

# Village of White Pigeon



# Zoning Ordinance

Version #1

VILLAGE OF WHITE PIGEON

ZONING ORDINANCE

Ord. No. 100-102-84

Adopted: February 16-1984

Amended Ord. of 3031-1992

Amended Ord. of 12-21-2005

Amended Ord. No. 01-06-10; adopted: June 6, 2010

Amended Ord. No. 15-09-01; adopted September 16, 2015

**Amended Ord of December 2015**

**VILLAGE OF WHITE PIGEON**

**ST. JOSEPH COUNTY, MICHIGAN**

**ORDINANCE NO. 16-02-01**

**ORDINANCE TO ESTABLISH VILLAGE PLANNING COMMISSION**

**ADOPTED: 02-17-2016**

**EFFECTIVE:**

An ordinance to establish the Village of White Pigeon Planning Commission pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.; to provide for the composition of the planning commission; to provide for the powers, duties and limitations of the planning commission; and to repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

**THE VILLAGE OF WHITE PIGEON  
ST. JOSEPH COUNTY, MICHIGAN**

**ORDAINS;**

**SECTION I**  
**SCOPE, PURPOSE AND INTENT**

This ordinance is adopted pursuant to the authority granted the Village Council to under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Village of White Pigeon shall hereby establish the Village of White Pigeon Planning Commission; to establish the appointments, terms and membership of the planning commission; to identify the officers and minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

**SECTION II**  
**ESTABLISHMENT OF VILLAGE PLANNING COMMISSION**

The Village Council hereby creates the Village of White Pigeon Planning Commission, consisting of five members. The planning commission is formed under the authority of and subject to the powers, duties and limitations provided in the Michigan Planning Enabling Act,

Public Act 33 of 2008, MCL 125.3801, et seq., and further subject to the terms and conditions of this ordinance any future amendments to this ordinance.

### **SECTION III** **APPOINTMENTS AND TERMS**

The Village Council President, with the approval of the Village Council by a majority vote of the members elected and serving, shall appoint all planning commission members, including an ex officio member.

When the planning commission is first established, the members appointed, other than the ex officio member, shall be appointed to 1-year, 2-year or 3-year terms such that, as nearly as possible, the terms of one-third (1/3) of the planning commission members will expire each year. After that, all planning commissioner members, other than the ex officio member, shall serve for terms of 3 years each.

A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the Village except that two (2) planning commission members may be individuals who are not a qualified elector of the Village. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the Village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the Village, to the extent practicable.

One member of the Village Council shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. The ex officio member's term on the planning commission shall expire with his or her term on the Village Council.

No other elected officer or employee of the Village is eligible to be a member of the planning commission.

### **SECTION IV** **CONFLICT OF INTEREST**

For purpose of this section, the planning commission shall define conflict of interest in its bylaws.

## **SECTION V** **COMPENSATION**

The planning commission members may be compensated for their services as provided by Village Council Resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Village Council.

## **SECTION VI** **OFFICERS AND COMMITTEES**

The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with the opportunity for reelection as specified in the planning commission bylaws. The planning commission may also appoint advisory committees who members are not members of the planning commission.

## **SECTION VII** **BYLAWS, MEETINGS AND RECORDS**

The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution, determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by two (2) other members, upon written request to the secretary. Unless the bylaws otherwise provided, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

**SECTION VIII**  
**ANNUAL REPORT**

The planning commission shall make an annual written report to the Village Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Village Board related to planning and development.

**SECTION IX**  
**AUTHORITY TO MAKE A MASTER PLAN**

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the Village's planning jurisdiction.

Final authority to approve the master plan or any amendments thereto shall rest with the planning commission unless the Village Council passes a resolution asserting the right to approve or reject the master plan.

**SECTION X**  
**ZONING POWERS**

All powers, duties, and responsibilities provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq., or other applicable zoning statutes, to zoning boards or zoning commissions are hereby designated to the planning commission as of the effective date of this ordinance.

**SECTION XI**  
**CAPITAL IMPROVEMENT PROGRAM**

To further the desirable future development of the Village under the master plan, the planning commission, after the master plan is adopted, shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6 year period.

**SECTION XII**  
**SUBDIVISION AND LAD DIVISION RECOMMENDATIONS**

The planning commission may recommend to the Village Council provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before for the hearing by publication in a newspaper of general circulation within the Village.

The planning commission shall review and make recommendations on a proposed plat before action thereon by the Village Council under the Land Division Act, Public Act 299 of 1967, MCL 560.101 et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat.

**SECTION XIII**  
**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

**SECTION XIV**  
**REPEAL**

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION XV**  
**EFFECTIVE DATE**

This ordinance shall take effect \_\_\_\_\_ after publication in a newspaper of general circulation in the Village.

Ordinance declared adopted on February 17, 2016 at a regular meeting of the Village of White Pigeon

Motion made by \_\_\_\_\_ / \_\_\_\_\_ to approve Ordinance no 16-02-01

VOTING RECORD OF COUNCIL:

Yea:  
Nay:  
Absent:

**CLERK'S CERTIFICATION**

I, the undersigned Village Clerk, hereby certify and attest that the above and foregoing is a true and correct copy of the Ordinance No. 16-02-01, which was adopted by the White Pigeon Village Council at a regular meeting held pursuant and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976 and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Maria C Spencer  
Village of White Pigeon Clerk  
103 S Kalamazoo  
PO Box 621  
White Pigeon, MI 49099  
269-483-7044

**CERTIFICATION**

I hereby certify that Notice of the above Ordinance, known as Ordinance No. 16-02-01 was published in the Three Rivers Commercial on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

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Maria C Spencer  
Village of White Pigeon Clerk



**VILLAGE of WHITE PIGEON**  
**ST. JOSEPH COUNTY, MICHIGAN**  
**PLANNING COMMISSION BYLAWS**

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

The following rules of procedure are hereby adopted by the Village of White Pigeon, Michigan, St. Joseph County, Michigan Planning Commission to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.

**SECTION 1: Officers**

**A. Selection and Tenure-** At the first regular meeting each \_\_\_\_ (*identify month that begins the new fiscal, calendar or other designated planning commission “year”*)\_\_\_\_, the planning commission shall select from its membership a chairperson and secretary (*include “vice-chairperson” or other officer established by the planning commission, as applicable*). All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms (**Alternatives:** *every other year/ two consecutive terms/etc.*) for the same office.

**B. Chairperson-**The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.

**C. (Optional)Vice Chairperson-**The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.

**D. Secretary-**The secretary shall execute documents in the name of the planning commission and shall perform such other duties as the planning commission may determine.

**(Note:** *The following four provisions may be included in the bylaws, or may be omitted if the planning commission prefers to use minimal bylaws and, instead, identify “who does what” through internal policies that recognize the individual municipality’s preferences, staffing and administrative organization:*

1. **Minutes**-The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the village clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
2. **Correspondence**-The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission.
3. **Attendance**-The secretary shall be responsible for maintaining an attendance record for each planning commission member and report those records annually to the planning commission for inclusion in the annual report to the village council.
4. **Notices**-The secretary(**Alternatives:** zoning administrator, planning department staff, village clerk, etc.-as appropriate to the individual municipality) shall oversee the issuance of such notices as may be required by the planning commission, including Open Meetings Act notices, as well as notice required for specific planning or zoning actions under the Michigan Planning Enabling Act or the Michigan Zoning Enabling Act.

## **SECTION 2: Meetings**

The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The planning commission may establish reasonable rules and regulation in order to minimize the possibility of disrupting the meeting.

- A. **Regular Meetings**-The planning commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.
- B. **Special Meetings**-Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission (**NOTE:** *The planning commission may establish other methods of calling a special meeting*).

Notice of special meetings shall be given to the members of the planning commission at least 48 hours prior to the meeting. Such notice shall state the

purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice**-Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.
- D. Public Hearing**-All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission.
- E. Agenda**-The chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the commission.
- F. Quorum**-(Insert appropriate numbers: *Three members of a five-member/ four members of a seven-member/ five members of a nine-member*) planning commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.
- G. Voting**-An affirmative vote of the majority of the members of the planning commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. Except in the case of conflict of interest, all planning commission members, including the chairperson and ex-officio member, shall vote on all matters.
- H. Public Records**-All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

### **SECTION 3: Duties of the Planning Commission**

The planning commission shall perform the following duties:

- A.** Prepare, review and update a master plan as a guide for development within the village's planning jurisdiction.

- B.** Take such action on petitions, staff proposals and village council requests for amendments to the zoning ordinance as required.
- C.** Take such action on petitions, staff proposals and village council requests for amendments to the master land use plan as required.
- D.** Prepare an annual written report to the village council of the planning commission's operations and the status of planning activities, including recommendations regarding actions by the village council related to planning and development. (*The bylaws may specify the minimum elements of the annual report required by the village council.*)
- E.** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F.** Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G.** Review subdivision proposals and recommend appropriate actions to the village council.
- H.** Prepare a capital improvement program (*if not exempted from preparing a capital improvements program by village council resolution*).
- I.** Perform other duties and responsibilities or respond as requested by any village council or commission.

#### **SECTION 4: Absences, Removals, Resignations and Vacancies**

- A.** To be excused, members of the planning commission shall notify the planning commission chairperson or other planning commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B.** Members may be removed by the village council for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C.** A member may resign from the planning commission by sending a letter of resignation to the village council.
- D.** Vacancies shall be filled by the village president, with the approval of the village council. Successors shall serve out the unexpired term of the member being replaced.

## **SECTION 5: Conflict of Interest**

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as in Article II, Section 202.43 of the Village Zoning Ordinance.
2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
3. The planning commission member owns or has a financial interest in neighboring property. For the purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.
4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

## **SECTION 6: Amendments**

These bylaws may be amended at any meeting by a vote of the majority of the membership of the planning commission.

Adopted by the Village of White Pigeon Planning Commission at a regular meeting (list month, date and year).

**VILLAGE OF WHITE PIGEON**  
**ST. JOSEPH COUNTY, MICHIGAN**  
**ZONING BOARD OF APPEALS BYLAWS**

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

The following rules of procedure are hereby adopted by the Village of White Pigeon Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.

**SECTION 1: Officers**

- A. Selection and Tenure-**At the first regular meeting each \_\_\_\_ (*identify month that begins the new fiscal, calendar or other designated zoning board of appeals “year”*)\_\_\_\_, the zoning board of appeals shall select from its membership a chairperson and secretary (*include “vice-chairperson” or other officer established by the zoning board of appeals, as applicable*). All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms (*Alternatives: every other year/two consecutive terms/etc.*) for the same office.
- B. Chairperson-**The chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the zoning board of appeals or village council. An alternate member shall not serve as chairperson.
- C. (Optional) Vice Chairperson-**The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the zoning board of appeals shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary-**The secretary shall execute documents in the name of the zoning board determine.
1. **Minutes-**The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable

permanent records retained by the village clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.

2. **Correspondence**-The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the zoning board of appeals. All communication, petitions, reports or other written materials received by the secretary shall be brought to the attention of the zoning board of appeals.
3. **Attendance**-The secretary shall be responsible for maintaining an attendance record for each zoning board of appeals member and report those records annually to the zoning board of appeals.
4. **Notices**-The secretary shall issue such notices as may be required by the zoning board of appeals. (**Alternatives:** zoning administrator, planning department staff, village clerk, etc.- as appropriate to the village.) shall oversee the issuance of such notices as may be required by the zoning board of appeals, including Open Meetings Act notices, as well as notice

## **SECTION 2: Meetings**

The business the zoning board of appeals may perform shall be conducted at a public meeting held in compliance with the Open Meeting Act. The zoning board of appeals may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. **Regular Meetings**-The zoning board of appeals may schedule regular meeting each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the zoning board of appeals shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular zoning board of appeals meetings shall be posted at the village office within 10 days after the zoning board of appeals' first meeting in each fiscal (**OR** "calendar") year in accordance with the Open Meetings Act.

- B. **Special Meeting**-Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the zoning board of appeals (**NOTE:** *The zoning board of appeals may establish other methods of calling a special meeting*).

Notice of special meetings shall be given to the members of the zoning board of appeals at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice**-Notice required for specific requests or actions will be given in accordance with Michigan Zoning Enabling Act or other applicable statute.
- D. Public Hearings**-All public hearings held by the zoning board of appeals must be held as part of a regular or special meeting of the zoning board of appeals.
- E. Agenda**-The chairperson shall be responsible for preparing an agenda for zoning board of appeals meetings. The agenda may be modified by action of the zoning board of appeals.
- F. Quorum**-A majority of the regular members of the zoning board of appeals shall constitute a quorum for transacting business and taking official action for all matters. The zoning board of appeals shall not conduct business unless a majority of the regular members is present.
- G. Voting**-To pass or deny any dimensional and use variance, appeal or other official action required by the zoning ordinance, an affirmative vote of at least a majority of the total membership of the zoning board of appeals is required, except that a vote of two-thirds of the membership shall be required to approve a use variance. Voting shall be by voice vote; a roll call vote shall be required if requested by any zoning board of appeals member or directed by the chairperson. Except in the case of a conflict of interest, all zoning board of appeals members, including the chairperson, shall vote on all matters.
- H. Public Records**-All meetings, minutes, records, documents, correspondence and other materials of the zoning board of appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

### **SECTION 3: Duties of the Zoning Board of Appeals**

The zoning board of appeals shall perform the following duties:

- A.** Act on applications for dimensional and use variances, appeals, interpretations, or other matters as authorized or required by the zoning ordinance and the Michigan Zoning Enabling Act.



- B. Perform other duties and responsibilities as requested by the village council or as may be specified in the zoning ordinance.
- C. Conduct site visits as deemed necessary to evaluate an application and supporting visits shall be conducted individually.

#### **SECTION 4: Absences, Removals, Resignations, Vacancies and Alternates**

zoning board of appeals chairperson or other zoning board of appeals member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.

- B. Members of the zoning board of appeals may be removed by the village council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the zoning board of appeals by sending a letter of resignation to the village council.
- D. A successor shall be appointed not more than one month after the term of the preceding member has expired. Successors shall serve out the unexpired term of the member being replaced, with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commission.
- E. The village council may appoint not more than two alternates to the zoning board of appeals. An alternate member may be called to serve as a member of the zoning board of appeals as provided in the zoning ordinance and the Michigan Zoning Enabling Act.

#### **SECTION 5: Conflict of Interest**

- A. Before casting a vote on a matter on which a zoning board of appeals member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the zoning board of appeals. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- B. Conflict of interest is defined as, and a zoning board of appeals member shall declare a conflict of interest and abstain from participating in zoning board of appeals deliberations and voting on a request when:

1. An immediate family member is involved in any request for which the zoning board of appeals is asked to make a decision. “Immediate family member” is defined as in Article II, Section 202.43 of the Village Zoning Ordinance.
  2. The zoning board of appeals member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency or association.
  3. The zoning board of appeals member owns or has a financial interest in neighboring property. For the purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.
  4. There is a reasonable appearance of a conflict of interest, as determined by the zoning board of appeals member declaring such conflict.
  5. The zoning board of appeals member is also a member of the planning commission or the village council and voted on the same matter as a member of the planning commission or village council. However, the member may consider and vote on other unrelated matters involving the same property.
- C. The zoning board of appeals member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the zoning board of appeals. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the zoning board of appeals as a representative of the proposal.

## **SECTION 6: Amendments**

These bylaws may be amended at any meeting by a vote of a majority of the membership of the zoning board of appeals.

Adopted by the Village of White Pigeon Zoning Board of Appeals at a regular meeting (list month, date and year).

## LISTING OF ORDINANCES

Ord. No.	Subject	Location
100-102-84	Zoning Ordinance	250.000
Ord. of 3-31-92	amendments to Article II; R-1 permitted uses, special exception use; R-2 special exception uses; C-1 permitted uses, special exception uses; Article XII, special provisions	250.200, 250.402, 250.405, 250.802 250.805, 250.1201
Ord. of 12-21-05	amendment: deleted 250.1802-250.1804, Renumbered 250-1805-250.1807 as 250.1802-250.1804	
193.000 ET. SEQ	Designate enforcing agency to discharge the responsibility of the Village of White Pigeon under the provisions of the State Construction Code Act, Act No. 230 of The P.A. of 1972, as amended.	
01-06-10	Amendment addition to Article VII, create a new zoning district known as General Commercial-Light Industrial	250.702, 250.703 250.705, 250.706, 250.707, 250.708
15-09-01	Amendments to Article IV, setbacks rear/ side yard	250.402E, 250.404D,E
Ord. of 12-15	Amendments to parts 225 planning Commission, part 226 planning Commission bylaws, part 227 ZBA bylaws, part 250 adopt in entirety	225.000, 226.000 227.000, 250.000

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250.000

**ZONING ORDINANCE\***  
**VILLAGE OF WHITE PIGEON**  
**ST. JOSEPH COUNTY, MICHIGAN**  
**Ord. No. 100-102-84**  
**Adopted: February 16, 1984**

**TITLE**

An Ordinance enacted under Act 110, Public Acts of 2006, as amended, governing the incorporated portions of the Village of White Pigeon, St. Joseph County, Michigan, to provide for the establishment of Zoning Districts within which the proper use of land and natural resources may be encouraged and regulated; to provide for the location, the size of, and the type of uses that may be made of the minimum open spaces; to provide for sanitary, safety, light, and other protective measures; to provide for the maximum number of families that may be housed in dwellings, buildings and structures, including mobile homes, to provide for the administration and amendment of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; to provide for conditional rezoning; and to provide for penalties for the violations of said Ordinance. (amended Ord. No.,12-15)

**PREAMBLE**

Whereas, the Michigan Zoning Enabling Act P.A. 110, of 2006 and Act 638, P.A. 1978, empowers this municipality to enact, establish, administer and enforce a Zoning Ordinance, and

Whereas, the legislative body pursuant to the provisions of Act 285, P.A., 1931, as amended, has appointed and created a Village Planning Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced,

Whereas, pursuant to the authority conferred by Act 110 of 2006, and Act 285 of 1931 of the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Village by protecting and conserving the character and social economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land, preventing overcrowding the land and undue congestion of population, providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan, now therefore:

**ENACTING CLAUSE**

The Village of White Pigeon ordains:

ARTICLE I

250.100 SHORT TITLE, PURPOSE

250.101 Short Title:

*Section 1.* This Ordinance shall be known as the “Village of White Pigeon Zoning Ordinance”.

250.102 Purpose:

*Section 2.* This Ordinance has been established for the purposes of:

1. Promoting and protecting the public health, safety, and general welfare;
2. Protecting the character and the stability of the residential, and commercial areas within the unincorporated portions of the Village of White Pigeon and promoting the orderly and beneficial development of such areas;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
5. Lessening and avoiding congestion in the public highways and streets;
6. Providing for the needs of residence and commerce in future growth;
7. Promoting healthful surroundings for family life in residential and rural areas;
8. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
9. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each

zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;

10. Enhancing social and economic stability in the Village;
11. Conserving the taxable value of land, buildings and structures in the Village;
12. Enhancing the aesthetic desirability of the environment throughout the Village; and
13. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.

250.103

Rules Applying to Text:

*Section 3.* The following rules of construction apply to the text of this Ordinance:

1. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
2. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
3. The word “building” includes the word structure.
4. A “building” or “structure” includes any part thereof.
5. The word “person” includes a corporation as well as an individual.
6. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
7. Any word or term not defined herein shall be used with a meaning of common of standard utilization.

250.104

Incorporation of Maps.

*Section 4.* The locations and boundaries of the districts established by this Ordinance are shown upon the Zoning Map(s), which are hereby incorporated into the provisions of this Zoning Ordinance and which map

in its entirety, including all amendments thereto, shall be as much a part of this resolution as if fully set forth and described herein.

The Zoning Map and amendments thereto, shall be maintained by the Village of White Pigeon Planning Commission.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the Village of White Pigeon. No amendment to this Ordinance which involves matter portrayed on the Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Zoning map or matter shown thereon except in conformity with the procedures set forth in Article VI of this Ordinance.

Regardless of the existence of purported copies of the Zoning Map, which may from time to time be made or published, the Zoning Map which shall be in the possession of the Planning Commission shall be final authority as to the current zoning status of land and water areas, buildings, and other structures in the Village.

250.105

Replacement of Zoning Map.

*Section 5.* In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and additions, the Village Council may by resolution adopt a new Zoning Map which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.



## ARTICLE II

250.200

### DEFINITIONS

250.201 Definitions

#### *Section 2.1.*

##### A. USAGE

1. For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined
2. Unless the context clearly indicated 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; and the word “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 “building site” includes a plot, lot 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”.
4. The “Village” is the Village of White Pigeon in the County of St. Joseph, State of Michigan; and “Village Council”, “Zoning Board of Appeals”, and “Planning Commission” are respectively the Village Council, Zoning Board of Appeals, and Planning Commission of the Village of White Pigeon.
5. Any words not defined in this ordinance shall be construed as defined in the Housing Law of Michigan, Act 167, Public Acts of 1917, as amended.
6. Where in this Ordinance reference is made to the “Village Zoning Act” and has not been changed by official amendment to this Ordinance, the reference shall be to the Zoning Enabling Act, being P.A. 110 of 2006, as amended. Where, in this Ordinance, reference is made to the “VZA” meaning “The Village Zoning Act” (Act 207, P.A. 1921, as amended and Act 28, P.A. 1931 as

amended, repealed by the Zoning Enabling Act effective July 1, 2006), that reference shall be to the Zoning Enabling Act. The acronym “ZEA” as it may be utilized throughout this Ordinance shall mean the Zoning Enabling Act, being P.A. 110 of 2006, as amended.

B. TERMS AND WORDS DEFINED

1. 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 private garage, attached accessory building, carport, covered porch or other roofed structure. An attached accessory building shall not exceed the ground floor area of a principal building.

2. Accessory Use

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

An accessory use to a residential principal use includes, but is not limited to the following:

- A. Swimming pools for the use of the occupants of a residence, or their guests.
- B. Domestic storage in a shed, tool room, or similar accessory building or other structure.
- C. Home occupations as defined herein.

An accessory use to a nonresidential principal use includes, but is not limited to the following:

- A. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

- B. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
  - C. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
  - D. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
  - E. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
3. Adult Entertainment- shall mean any adult book store, adult motion picture theater, massage parlor or commercial establishment which for a fee or incidentally to another service, presents material or exhibition distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined below for observation by patrons therein.
- A. Specified sexual activities- shall mean: 1) human genitals in a state of sexual stimulation or arousal, 2) acts of human masturbation, sexual intercourse or sodomy, and 3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  - B. Specified anatomical areas- shall mean less than completely opaquely covered: 1) human genitals, pubic region, 2) buttock, 3) female breast below a point immediately above the top of the areola, 4) human male genitals in a discernible turgid state, even if completely and opaquely covered.
  - C. Massage Parlor- shall mean any commercial establishment which for a fee provides for the manipulation, or rubbing of body parts excepting manipulation of body parts for remedial purposes performed by state licensed practitioners with the minimal qualifications of a physical therapist.
4. 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.

5. Alley

A strip of land over which there is a right-of-way, public or private, on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties.

6. Alterations

Any change, addition, or modification in construction of type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed”.

7. Animal

Animal shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.

8. 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 vehicle rustproofing.

9. 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.

10. Automobile or Trailer Sales Area

An area used for the display, sale or rental of new and used motor vehicles, boats or trailers, recreation vehicles (including mobile homes) in operable conditions and where no repair work is done.

11. Automobile Wash Establishment

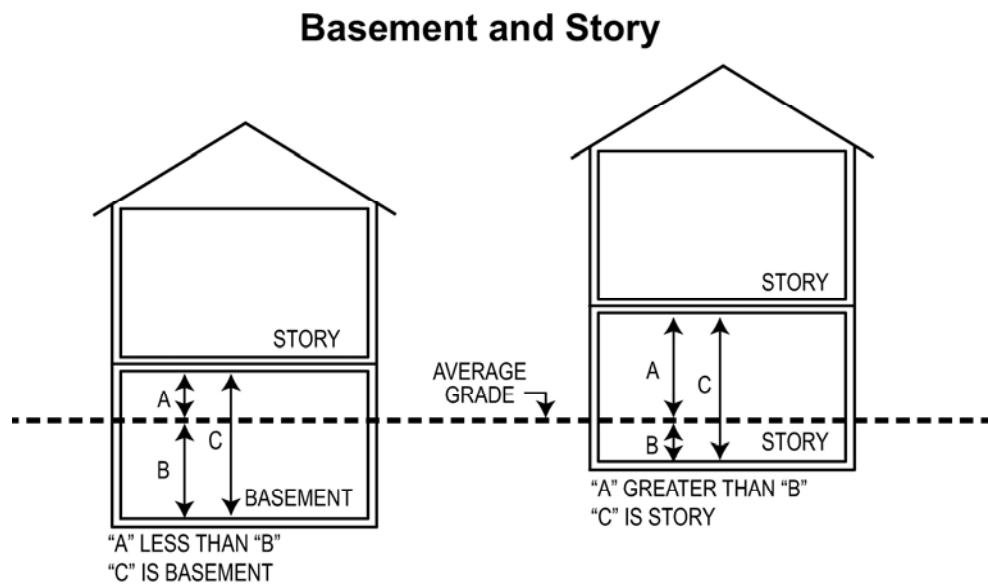
A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

12. Base Flood

Means the flood having one percent chance of being equaled or exceeded in any given year.

13. Basement or Cellar

A portion of a building having more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five(5) feet, or if used for business purposes, or if used for dwelling purposes.



14. Bed and Breakfast Facility

A bed and breakfast facility is a building, other than a hotel, where lodgings and continental breakfasts for persons, other than family, are regularly served for compensation.

15. Bedroom

The term bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

16. Block

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or

live stream; or between any of the foregoing and other barrier to the continuity of development, or boundary lines of the Village of White Pigeon.

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

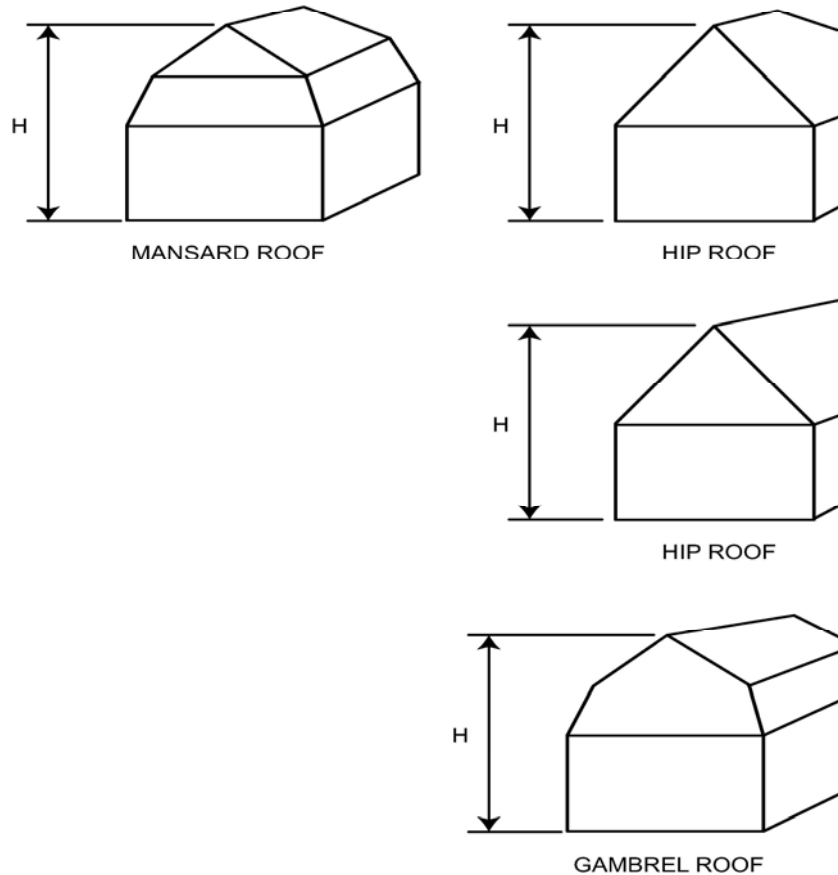
18. Building, Existing

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.

19. Building, Height

Building height is the vertical distance from the average elevation of the adjoining grade 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 the mansard type; or the mean height level between the eaves and the ridge if the roof is gable, hip or gambrel type.

**Building Height**



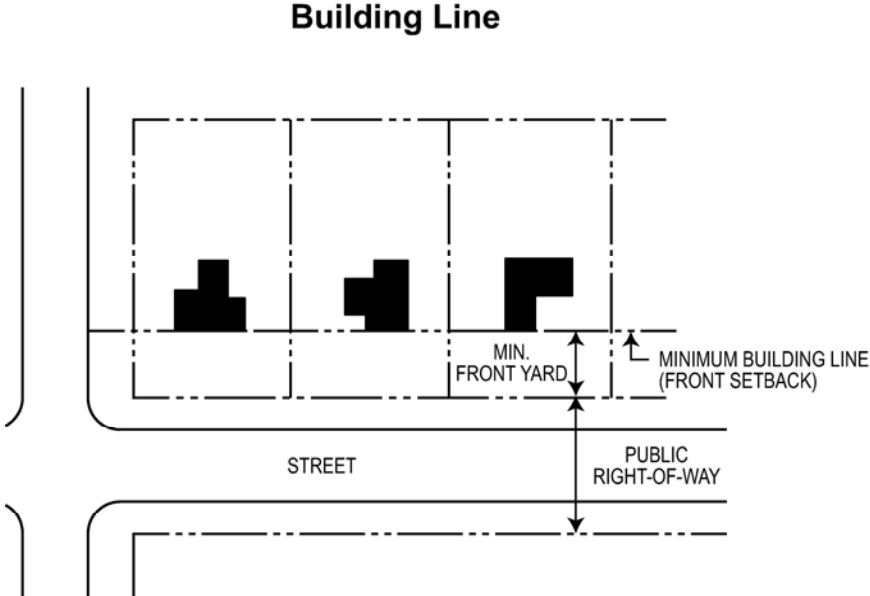
20. Building Inspector

The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.



21. Building Line

A line parallel to the front lot line, and which marks the location of the building.



22. Building Permit

A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Village of White Pigeon.

23. Building Site

A lot, or a two dimensional condominium unit or land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

24. Church

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.

25. Clinic

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

26. Club

An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like but not for profit and open only to members and not the general public.

27. Commercial Use

A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted on residential premises are hereby deemed a commercial use, if such sales are conducted on more than two (2) occasions during any consecutive twelve (12) month period or if either of said two sales lasts for more than six (6) days.

28. Commercial Vehicle

Any motor vehicle other than a motorcycle or passenger automobile designed or used primarily for transportation of persons or property.

29. Commercial Wireless Telecommunications Services

Licensed commercial wireless telecommunication service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public.

30. Common Elements

Portions of the condominium project other than the condominium unit.

31. Common Elements, Limited

A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

32. Condominium Unit

That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the Michigan Department of Commerce.

33. Construction

The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

34. Convalescent or Nursing Home

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

35. Curb Level (Grade)

Curb level or grade is the mean level of the established curb in front of the building. Where no curb has been established the Village shall establish such curb level for the purpose of these regulations.

36. Day Care Facility

A. Child Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school aged children for care for a period of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility, which provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility includes child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop in center.

B. Family Day Care Home: A private home in which one (1) to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home

includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- C. Group Day Care Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

37. Deck

An open horizontal structure attached to the principal building utilized for recreational and leisure activities; decks installed 18” or greater above grade level shall be considered to be part of the principal structure and subject to appropriate setbacks as contained in this Ordinance.

38. Development

Means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

39. Dwelling

A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

In case of mixed occupancy where a building is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

- A. 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.

- B. Dwelling, One-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 hereafter erected 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. Also known as a single-family dwelling.

- C. 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.
- D. 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.
- E. Efficiency Unit: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and thirty (330) square feet of floor area.

40. Erected

The word “erected” includes built, constructed, reconstructed, moved upon; and “erecting” includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

41. Essential Services

The erection, construction, alteration or maintenance by public utilities or Village departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate service by such public utilities or Village departments or commissions, or for the public health, safety or general welfare. This definition does not include towers or other buildings or

structures intended specifically to service commercial wireless telecommunications such as cellular, personal communications services, specialized mobilized radio, enhanced specialized mobile radio, paging and similar services.

42. Excavation

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

43. Family

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

B. Functional Family: Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforced by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

44. Fence

A permanent or temporary partition or structure erected as a divider, barrier or enclosure and not part of a structure requiring a building permit. A reference to the term "solid fence" refers to a fence which is made out of solid wood, solid metal or masonry.

45. First Story

A first story is the lowest story of a building the ceiling of which is more than six (6) feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls.

46. Flood or Flooding

Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

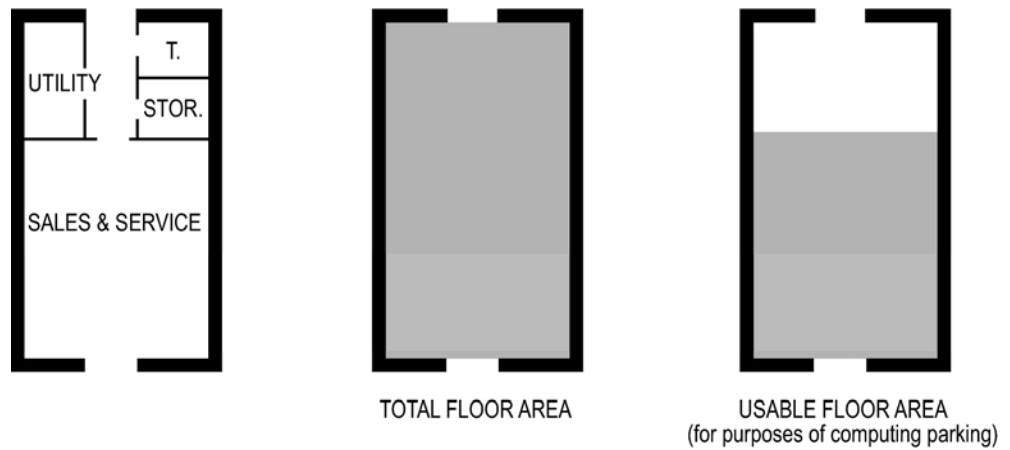
- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

47. Floor Area

- A. One-Family Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- B. Multiple-Family Residential: For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.
- C. Usable: That area used for or intended to be used for the sale of merchandise or services, or used to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- D. 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. The “floor area” of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in “floor area”. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

### Floor Area



48. Frontage

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

49. 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.

50. Garage, Private

A private garage is a building or other structure designed for the housing of automobiles and having capacity for not more than three (3) automobiles.



51. 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 automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire, or sale.

52. 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 minor repair or similar servicing thereof.

53. Hazardous Materials

Any materials that have been declared to be hazardous to any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

54. Home Occupation

A home occupation is any occupation or profession carried on by one or more members of a family, residing on the premises; provided, that no commodity other than those customarily associated with the business is sold upon the premises; provided, further, that no person is employed other than a member of the immediate family residing on the premises; provided, further, that no mechanical equipment is installed except such as is normally used for purely domestic or household purposes; provided, further that not over twenty-five (25) percent of the total actual floor area of any story is used for home occupation or professional purposes. Barber shops, doctor's offices, animal hospitals, and nursery schools are examples of uses not considered a home occupation. A residential structure in any zoning district may be utilized for instruction in a fine art or craft as a home occupation.

55. Institutional Uses

Churches, schools, hospitals, and other similar public or semipublic uses. This excludes nursing homes, convalescent homes, adult foster care facilities.

56. 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. Junk yards shall be in accordance with the Village of White Pigeon Junk Yard Licensing Ordinance.

57. Kennel

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

58. Laboratory

A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which manufacturing of product or products, except prototypes for testing market, is not performed.

59. Land Use Plan, Official

The plan so designated by the Planning Commission.

60. Loading Berth

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

61. Local Road

A road of limited continuity used primarily for access to abutting residential properties, and classified as such by the St. Joseph County Road Commission.

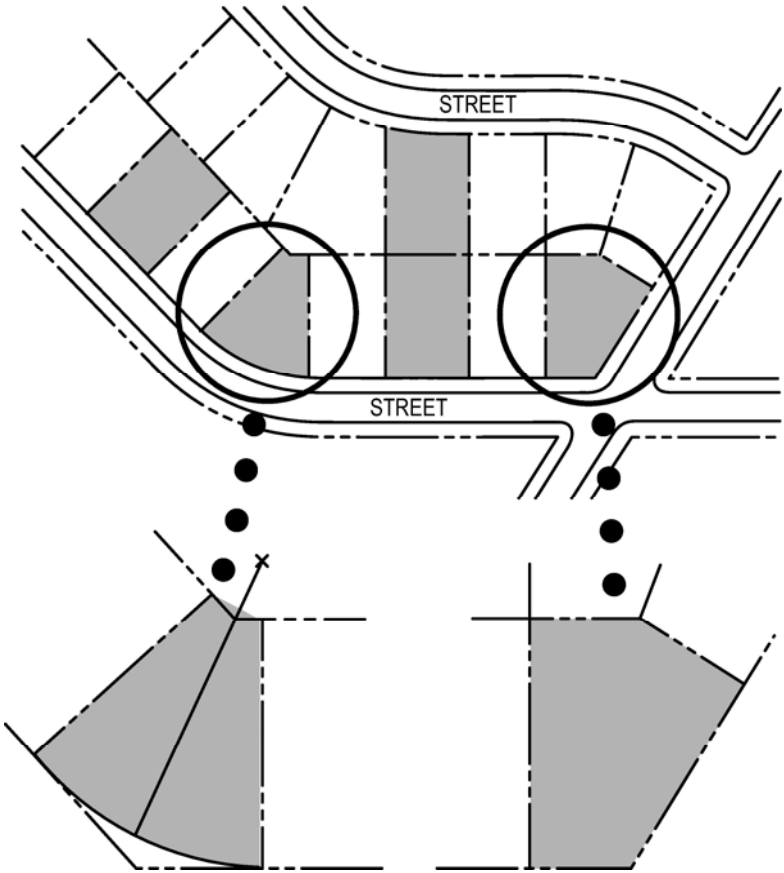
62. Lodging House

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.

63. Lot

A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public street or road either dedicated to the public or designated on a recorded subdivision.

**Interior, Through, & Corner Lots**



64. Lot, Corner

A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

65. Lot, Zoning

A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located.

66. Lot Area

Area of a lot bounded by lot lines.

67. Lot Coverage

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type or fully roofed but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

68. Lot Line

A boundary line of a lot.

69. Lot Line, Front

The exterior line or right-of-way of a road on which a lot fronts or abuts.

70. Lot Line, Rear

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

71. Lot Line, Side

Any lot line not a front or rear lot line.

72. Lot of Record

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

73. Lot Width

The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.

74. Manufactured Home

A factory built to the HUD Title 6 Construction Code. Constructed on a permanent chassis and transported to site in one or more sections.

75. Mezzanine

An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

76. Mini-Warehouses

Mini-warehouse buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customers goods or wares.

77. Mobile Home

A factory built home on a chassis transported to a site in one or more sections that:

- 1) Built before June 15<sup>th</sup>, 1976
- 2) Not built to a uniform construction code
- 3) Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976).

78. 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 96 of 1987, as amended).

79. Modular

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:

- A. A pitched roof of heavy truss construction able to support a “deadweight” of at least ten (10) pounds, and having roof shingling of five (5) inch exposure.
- B. A heavy deck flooring of wood on two (2) by eight (8) floor joists;
- C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and
- D. Establishment on a foundation as approved by the building code.

80. 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.

81. New Construction

Means structures for which the “start of construction” commenced on or after the effective date of this Ordinance.

82. Non-Conforming Lot of Record (Substandard Lot)

A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

83. Non-Conforming Structure

A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

84. Non-Conforming Use

A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

85. 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. Examples of nuisances are uses which generate excessive noise, smoke, odor, fumes, dust, heat, vibration, flashes or radiation.

86. Off-Street Parking Lot

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

87. Open Air Business

Shall be defined to include the following:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Sidewalk cafes.
- C. Retail sale of fruits and vegetables.
- D. Tennis courts, archery court, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park and/or similar recreation uses.
- E. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.

F. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

88. Open Front Store

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

89. Ordinary High Water Mark

Means the line between upland and lake or stream bottom land which persists through successive changes in water levels, and below which the presence and action of the water is so common or recurrent as to mark upon the soil a character, distinct from that which occurs on the upland.

90. Parcel

A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on a public or private street.

91. Parking Space

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. Perpendicular and angle parking spaces shall have a minimum dimension of nine by eighteen (9 x 18) feet. Parallel parking shall be a minimum of eight by twenty (8 x 20) feet in dimension.

92. Planning Commission

The "Planning Commission" shall mean the Village of White Pigeon Planning Commission and shall have all powers granted under authority of Act 285 of the Public Acts of 1931, as amended, and as provided in this Ordinance.



92.1 Ex-Officio Member

In reference to a planning commission, means a member, with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that office.

93. Porch, enclosed

A covered entrance to a building or structure which is totally enclosed, projects out from the main wall of the building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch is considered to be part of the principal structure and shall observe all applicable setback requirements.

94. Porch, open

A covered entrance to a building or structure which is enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An open porch is considered to be part of the principal structure and shall observe all applicable setback requirements.

95. Public Utility

A public utility is any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.

96. Recreation Vehicles

A vehicle primarily designed as temporary living quarters or recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

97. Repairs

Repairs are the rebuilding or renewal of a part of an existing building for the purpose of maintaining its original type and classification.

98. Research and Development Facility

A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or

laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

99. Restaurant

A. Drive-in Restaurant: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristic:

1. Foods, frozen desserts, or beverages are served directly to the customer in motor vehicles either by a carhop or by other means which eliminates the need for the customer to exit the motor vehicle.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

B. Fast-Food Restaurant: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

C. Carry-Out Restaurants: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
2. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

D. Standard Restaurant: A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages (alcoholic and nonalcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic and nonalcoholic) generally are consumed within the restaurant building.

E. Bar/Lounge/Tavern: A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

100. Road (Paved) or Street, Private

A private right-of-way reserved for the use of the occupants of the abutting structures and which meets the design criteria of the St. Joseph County Highway Department.

101. Road or Street, 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.

102. Setback

The minimum horizontal distance a foundation or wall of a building or structure or any portion thereof is required to be located from the boundaries of a lot, parcel, or building site of land upon which the same is situated.

103. Shed

A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

104. Shopping Center

A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

105. Sign

For the purpose of this ordinance, the term “sign” shall include any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which information is made known and which are used to advertise, identify or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street.

106. Site Condominium Project

A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

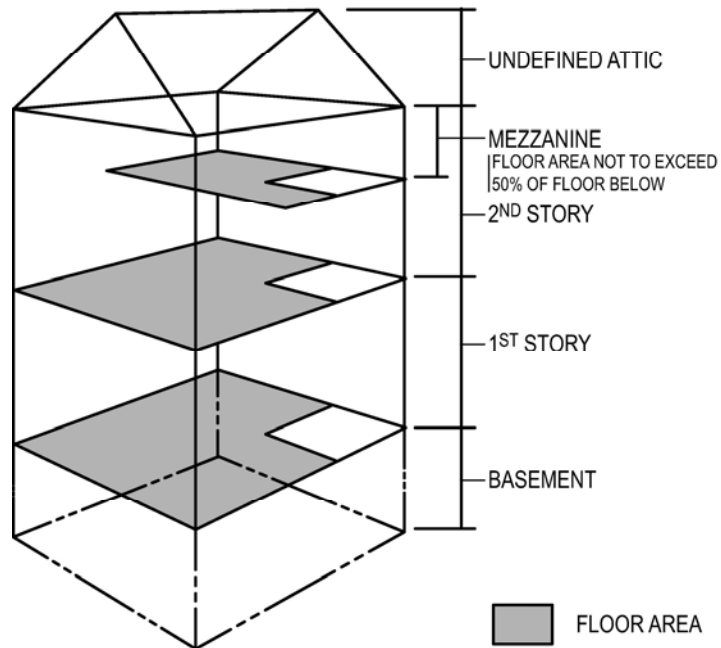
107. Special Use

A use permitted only where specified facts and conditions, detailed in this ordinance, are found to exist. The facts and conditions set forth in this Ordinance for a Special Use must be met without modification or alteration, unless a Variance, as hereinafter defined, is obtained.

108. Structure

Means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.

## Basic Structural Terms



109. Structural Changes or Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

110. Substantial Improvement

Means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

111. Swimming Pool

Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building,

designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

112. Temporary Building or Use

A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) consecutive extension periods of six (6) months each are allowed.

113. Tower

Any ground or roof mounted pole, spire, structure or combination thereof taller than fifteen feet, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar device above grade.

114. Townhouses

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling. Townhouse shall not be used as a synonym for the term “condominium” which refers to how property or space is owned rather than a particular housing style.

115. Trailer

The term “trailer” includes any trailer coach, motor home, tent camper, demountable camper, or unit designed as a vacation unit for short-term seasonal occupancy, which measures nine (9) feet or less in width, and thirty-five (35) feet or less in length, which is designed to be operated on highways, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles. This term does not include a utility trailer which is used for hauling of goods and debris.

116. Use

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

117. Variance

A varying or relaxation of the standards of the zoning ordinance by the Board of Zoning 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.

118. Wall, Obscuring

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

119. Yard

A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

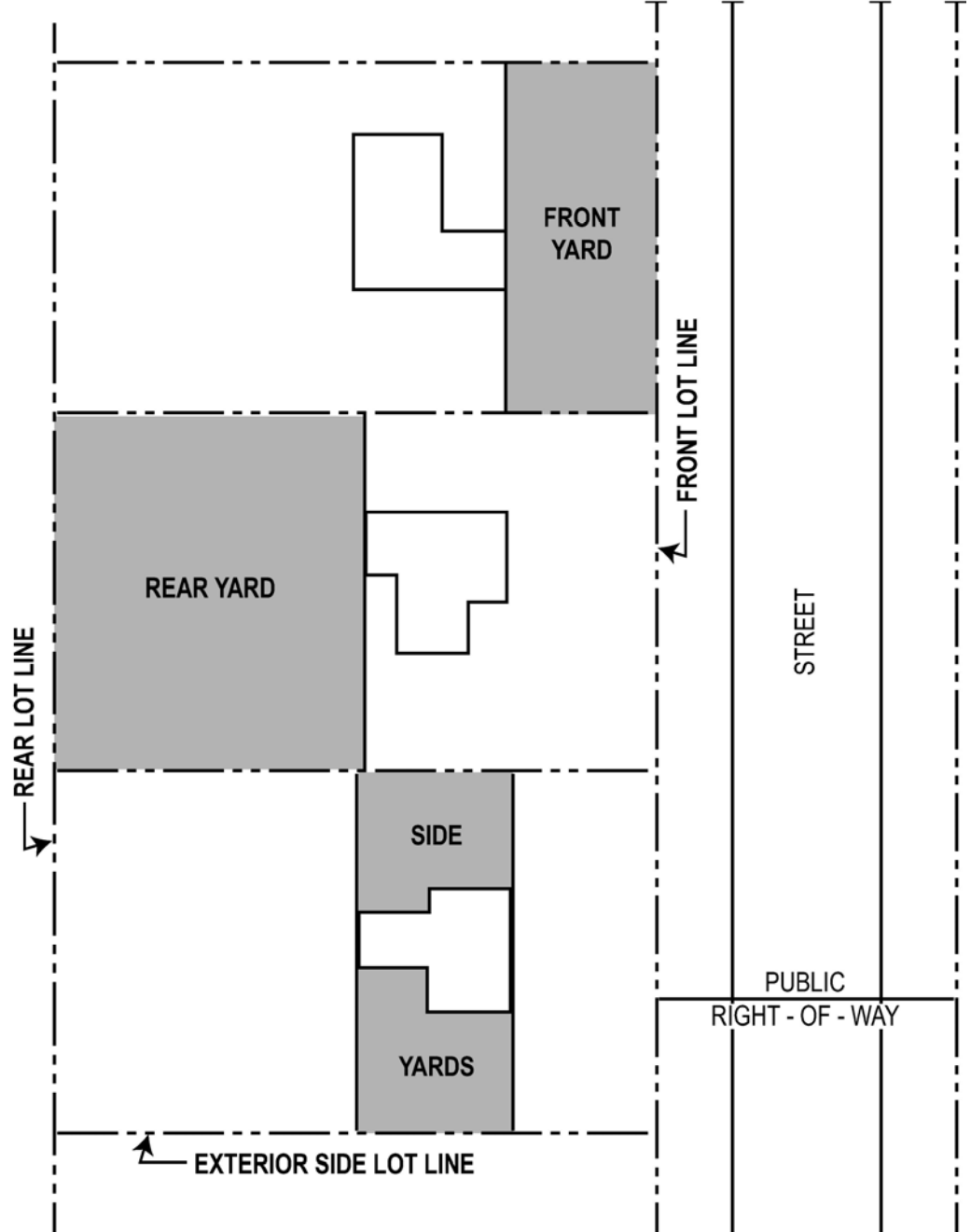
A "required yard" is that portion of any lot on which the erection of a main building is prohibited.

A "front yard" is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line the other side lot line.

A "rear yard" is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.

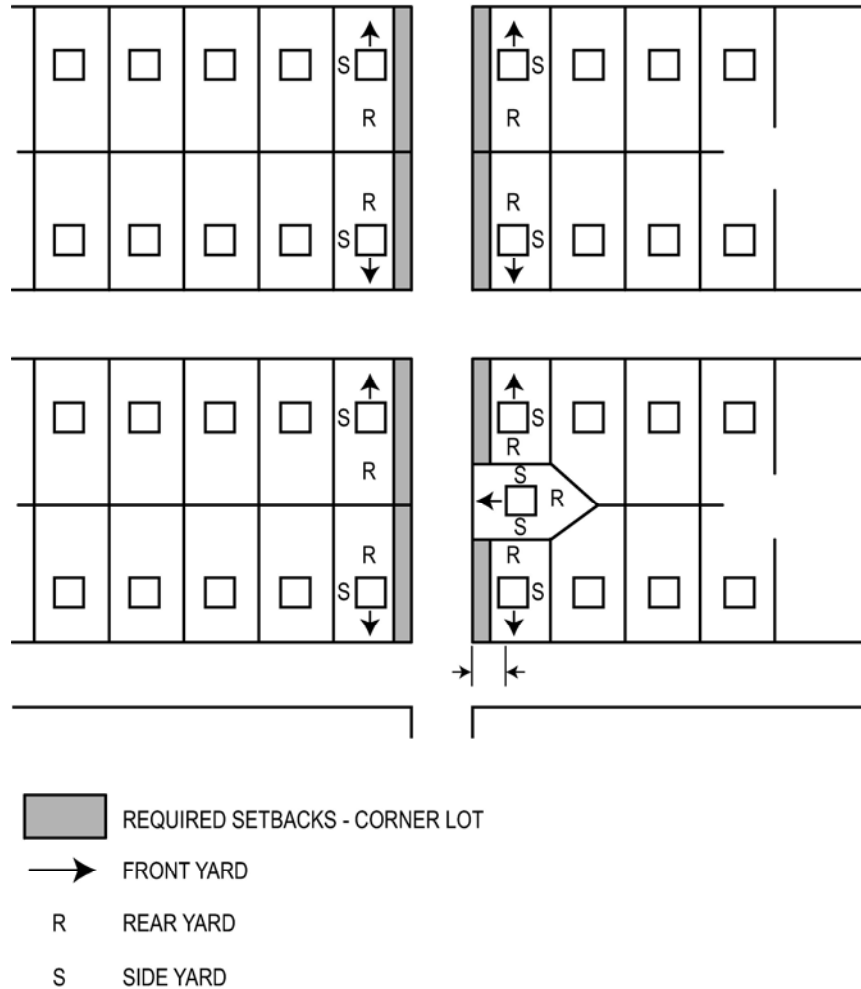
A "side yard" is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

# Yards





## Side Yards Abutting Streets



120. Zoning Board of Appeals

The Village of White Pigeon Board of Zoning Appeals, the members of which have been duly appointed by the Village Council and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with the provisions of this Ordinance. The terms Board of Zoning Appeals and Zoning Board of Appeals as utilized throughout this Ordinance are intended to be synonymous.

ARTICLE III

250.300 ZONING DISTRICTS AND MAP

250.301 DISTRICTS ESTABLISHED:

*Section 3.1.* For the purposes of this Ordinance, the Village of White Pigeon is hereby divided into the following districts:

A.

1. R-1 Single Family Residential District
2. R-2 General Residential District
3. R-3 Multi-Family Residential District
4. R-4 Mobile Home Park District
5. C-1 Downtown Commercial District
6. C-2 General Commercial District
7. I Industrial
8. GCLI General Commercial & Lt. Industrial
9. PUD Planned Unit Development

B. Overlay Districts:

10. FP Flood Plain

250.302 ZONING DISTRICT BOUNDARIES:

*Section 3.2.* The boundaries of these districts are hereby established as shown on the zoning map of this Ordinance, Village of White Pigeon Zoning Ordinance. Which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

250.303 USES NOT PERMITTED IN ANY DISTRICT:

*Section 3.3.* The following uses are not permitted in any district, subject to conditions impose herein:

1. Any use not included as a use permitted by right or a use permitted by a Special Land Use.
2. No condition shall be allowed to exist which will constitute a hazard to health, safety or welfare, is inconsistent with the accepted appearance of the zoning district, or in any way creates a nuisance or damages adjoining property.

250.304

DISTRICT REQUIREMENTS:

*Section 3.4.* All buildings and uses in any District shall be subject to the provisions of Article Four "General Provisions".

ARTICLE IV

250.400 “R-1” DISTRICT: SINGLE FAMILY RESIDENTIAL DISTRICT

250.401 Purpose:

*Section 4.1.* It is the purpose of the Single Family Residential District to preserve the residential area for the placement of single family dwellings and accessory use buildings, structures and land uses as set forth in the Village of White Pigeon Ordinance.

250.402 Uses Permitted by Right:

*Section 4.2.* In “R-1” Single Family Residential District no building or land shall be used and no building/structure shall be hereinafter erected or structurally altered, unless otherwise provided in this Ordinance, except for the following uses:

- A. Single family residential dwelling.
- B. Accessory uses on same parcel with single family residential structures, such as garage, shed, playhouse, a garage shall not be less than 50 (fifty) feet from the front line of the lot and not less than 10 (ten) feet from any other lot line. (amended Ord. No. 15-09-01, §1, 9-16-15)
- C. Home Occupations.
- D. Essential services.

250.403 Regulations and Standards:

*Section 4.3.* The following maximum and minimum standards shall apply to all uses and structures in the "R-1" District:

- A. Minimum Lot, Building Site or Parcel Area: No building or structure shall be established on any lot, building site or parcel less than eight thousand (8,000) square feet. This regulation shall not apply to lots already platted and recorded at the effective date of this Ordinance.
- B. Minimum Lot, Building Site or Parcel Width: The minimum lot, building site or parcel width shall be eighty (80) feet along a public street.

- C. Maximum Lot, Building Site or Parcel Coverage: The maximum lot, building site or parcel coverage shall not exceed thirty-five (35) percent.
- D. Yard and Setback Requirements:
  - 1. Front Setback: There shall be a front yard setback line of seventy five (75) feet for U.S. or State Highway-measured from the right-of-way line; ninety three (93) feet for County Primary and Major Roads measured from the center line; and eighty three (83) feet for County Local Roads measured from the center line.
  - 2. Side Setback: Ten (10) feet except in case of a corner lot where the side yard on the street side shall not be less than the setback required for the front setback.
  - 3. Rear Setback: There shall not be a rear yard having a depth of not less than ten (10) feet for all dwellings and buildings in this district.
- E. Minimum Building Floor Area: No residential dwelling unit shall have less than one thousand (1,000) square feet of floor area exclusive of garages or basements and also meeting the Michigan State Construction Code minimum standards.

250.404 Maximum Building Height Requirements:

*Section 4.4.* 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.

250.405 Uses Permitted by Special Land Use Permit:

*Section 4.5.* The following uses are permitted in this district subject to obtaining a special land use permit as provided in Article XIII:

- A. Planned Unit Development.
- B. Bed and Breakfast.
- C. Public parks, clubs, public playgrounds.
- D. Public utility structures and substations.
- E. Libraries, museums, art galleries.

ARTICLE V

250.500 “R-2” DISTRICT: GENERAL RESIDENTIAL DISTRICT

250.501 Purpose:

*Section 5.1* It is the purpose of the General Residential District to provide for single family housing and all other uses permitted by right in R-2 District and to include duplex housing for occupancy by not more than two families as defined by the Village Ordinance.

250.502 Uses Permitted by Right:

*Section 5.2* In “R-2” General Residential District 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:

- A. Single Family dwelling.
- B. Duplex dwelling.
- C. Accessory uses on same parcel with single family residential structures, such as garage, shed, playhouse, a garage shall not be less than 50 (fifty) feet from the front line of the lot and not less than 10 (ten) feet from any other lot line.
- D. Home Occupation.
- E. Essential services.

250.503 Regulations and Standards:

*Section 5.3* The follow maximum and minimum standards shall apply to all uses and structures in the “R-2” District:

- A. Minimum Lot, Building Site or Parcel Width: The minimum lot, building site or parcel width shall be eighty (80) feet along a public street.
- B. Maximum Lot, Building Site or Parcel Coverage: The maximum lot, building site or parcel coverage shall not exceed fifty (50) percent.
- C. Minimum Building Floor Area: One and two family dwellings shall contain a minimum of one thousand (1,000) square feet of floor area for each family exclusive of garages and basements. They shall also meet Michigan State Construction Code minimum standards.

250.504

Height and Area Regulations.

*Section 5.4*

- A. Minimum Lot, Building Site or Parcel Area: No building or structure shall be established on any lot, building site or parcel less than five thousand five hundred (5,500) square feet in area. This regulation shall not apply to lots already platted and recorded at the effective date of this Ordinance.
- B. Yard and Setback Requirements:
  - 1. Front Setback: Seventy-five (75) feet for U.S. or State Highway, measured from the right-of-way line; ninety-three (93) feet for County Primary and Major Roads, measured from the center line; and eighty-three (83) feet for County Local Roads, measured from the center line.
  - 2. Side Setback: Ten (10) feet except in the case of a corner where the side yard on the street side shall not be less than the setback required for the front setback.
  - 3. Rear Setback: There shall not be a rear yard having a depth of not less than ten (10) feet for all dwellings and buildings in this district.  
(amended Ord. No. 15-09-01,§1,9-16-15)
- C. Maximum Height Requirements: 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.
- D. Parking: Each single family dwelling and duplex dwelling erected in this district shall provide and have available sufficient space for off-street parking to allow two parking spaces per residential dwelling unit .
- E. Appearance: All dwelling units shall have the appearance of a Single family residence, except that two (2) porches may be permitted for duplex units.

250.505

Uses Permitted by Special Land Use Permit:

*Section 5.5* The following uses as permitted in this District subject to obtaining a special land use permit as provided in Article XIII:

- A. Planned Unit Development.

- B. Bed and Breakfast.(amended 3-31-92)
- C. Public parks, clubs, public playground.
- D. Public and private hospitals, schools, cemeteries, churches, and governmental buildings.
- E. Public utility structures and substations.
- F. Libraries, museums, art galleries.



ARTICLE VI

250.600 “R-3” DISTRICT: MULTI-FAMILY RESIDENTIAL DISTRICT:

250.601 Purpose:

*Section 6.1* It is the purpose of the Multi-Family Residential District to provide for the types of multi-family use such as apartments, duplexes, and townhouses. This housing is intended to provide a high density living environment. Therefore, while the designation of this district is high density, the interpretation of that term is relative to other allowable densities within the Village.

250.602 Uses Permitted By Right:

*Section 6.2* In the “R-3” District no building or land shall be used and no building/ structure shall be hereafter erected or structurally altered, unless otherwise provided in this Ordinance, except for the following uses:

- A. Apartment houses and multi-family units and dwellings.
- B. Duplex dwellings.
- C. Home Occupations

250.603 Site Development Requirements:

*Section 6.3* The following maximum and minimum standards shall apply to all uses and structure in the “R-3” Multi-Family Residential District:

- A. Minimum Lot, Building Site or Parcel Width: The minimum lot, building site or parcel width shall be 80 (eighty) feet along a public street.
- B. Maximum Building Site or Parcel Coverage: The maximum building site or parcel coverage shall not exceed fifty (50) percent.
- C. Minimum Building Floor Area: Buildings or structures containing three (3) or more dwelling units shall contain not less than 650 (six hundred and fifty) square feet of interior living space for one bedroom units and not less than 750 (seven hundred and fifty) square feet of interior living space for units having two or more bedrooms per dwelling unit exclusive of halls, stairways, basements, garages, or storage and must also meet Michigan State Construction Code minimum standards.

250.604 Height and Area Regulations.

*Section 6.4*

- A. Minimum Lot, Building Site or Parcel Area: No building or structure shall be established on any lot, building site or parcel less than 5,000 (five thousand) square feet in area. This regulation shall not apply to lots already platted and recorded at the effective date of this Ordinance.
- B. Setback Requirements:
  - 1. Front Setback: Seventy five(75 feet) for U.S. or State Highway, measured from the right-of-way line; ninety three (93) feet for County Primary and Major Roads-measured from the center line; and eighty three (83) feet for County Local Roads, measured from the center line.
  - 2. Side Setback: Ten (10) feet except in the case of a corner where the side yard on the street side shall not be less than the setback required for the front.
  - 3. Rear Setback: There shall not be a rear yard having a depth of not less than ten (10) feet for all dwellings and buildings in this district.
- C. Maximum Height Requirements. 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.

250.605 Uses Permitted by Special Land Use Permit:

*Section 6.5* The following uses are permitted in this District subject to obtaining a special land use permit as provided in Article Five.

- A. Planned Unit Development.
- B. Bed and Breakfast.
- C. Public and private parks, clubs, public playgrounds.
- D. Public and private hospitals.
- E. Public and private schools.
- F. Public or private cemeteries.
- G. Nursing homes, elderly care facilities, foster care homes, and group homes.
- H. Churches, synagogues, and temples.
- I. Governmental buildings.
- J. Public utility structures and substations.

- K. Libraries, museums, art galleries.
- L. Fire stations.
- M. Community Building associated with a multiple housing development.

250.606

Site Plan Review:

*Section 6.6* For all permitted uses a site plan shall be submitted in accordance with Article XV General Provisions and Article XIII Special Land Uses, Article XIV Site Plan Review, Article XII Off-Street Parking, Article XVI Height and Area Exceptions, Article XVIII Administration, Article XXI Enforcement and other provisions of this Ordinance as may be applicable .

ARTICLE VII

250.700 "GCLI" DISTRICT: GENERAL COMMERCIAL - LIGHT INDUSTRIAL DISTRICT:

A. GENERAL COMMERCIAL DISTRICT:

250.701 Intent:

*Section 7.1* The General Commercial District is primarily intended to provide areas wherein retail, trade, office, and service outlets can be located in order to satisfy the day to day needs of the residents of the Village and surrounding areas, while also providing opportunities for more regional commercial land uses which require proximity to regional transportation arteries. Such regional land uses shall be permitted only after special review where such uses are deemed appropriate in the proposed location. The General Commercial District is intended to implement, in part, the Commercial component of the Comprehensive Plan of the Village of White Pigeon.

250.702 Uses Permitted by Right:

*Section 7.2* In the "GCLI" General Commercial-Light Industrial District no building or land shall be used and no building/structure shall be hereinafter erected or structurally altered, unless otherwise provided in this Ordinance, except for the following:

- A. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, food, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry, domestic pets, or hardware.
- B. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
- C. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, and dry cleaners.
- D. Medical and dental clinics.
- E. Residential uses when occupying the second or third floors, provided that all requirements of the Village Building Code are met, and that any new structure created must have adequate on-site parking.

- F. Veterinarian clinics.
- G. Service establishments, including printing, publishing, photographic reproduction, blueprinting, and related trades or arts.
- H. Private clubs and meeting halls.
- I. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

250.703 Uses Permitted by Special Land Use Permit:

*Section 7.3*

- A. Public facilities including cemeteries, parks, schools, libraries and similar uses and activities, including administrative buildings associated with public utilities, and substations and structures and enclosures or shelters for utility service equipment and maintenance depots associated with public utilities.
- B. Automobile car wash.
- C. Open air business including automobile, truck, and boat sales; nursery and landscape supplies and sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
- D. Communication towers.
- E. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks, or similar uses.
- F. Outdoor commercial recreation including miniature golf, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, drive-in theaters, amusement parks, survival games, campgrounds, and uses similar to the above uses, excluding golf courses and country clubs, recreational fields, and shooting ranges. Accessory uses to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, and locker rooms and rest rooms are permitted.
- H. Offices and showrooms of plumbers, electricians, decorators or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices or display.
- I. Wholesale businesses handling candy, drugs, jewelry, novelties, professional barber and beauty supplies, office supplies, radio and television parts, and tobacco, and similar products.
- J. Building supply and equipment, for predominantly retail sales.
- K. Drive-in, drive-through, takeout, pick-up, and other forms of in-

vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.

- L. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.
- M. Motels and hotels.
- N. Funeral homes and mortuaries.
- O. Mini storage facilities.
- P. Motor vehicle, trailer, and boat service and repair stations.
- Q. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

250.704 Site Development Requirements:

*Section 7.4* The following maximum and minimum standards shall apply to all uses and structures in the General Commercial District unless otherwise modified by the provisions of Article XIII Special Land Uses, Article XV General Provisions, or as varied pursuant to Article XVII, Zoning Board of Appeals:

- A. Minimum Building Site or Parcel Area: All uses permitted in this district shall provide a minimum building site or parcel area of two (2) acres.
- B. Minimum Building Site or Parcel Width: The minimum building or parcel width shall be three hundred (300) feet along a public street.
- C. Setback Requirements:
  - 1. Front Setback: Seventy five (75) feet for U.S. or State Highway, measured from the right-of-way line; ninety three (93) feet for County Primary and Major Roads, measured from the center line; and eighty three (83) feet for County Local Roads, measured from the center line.
  - 2. Side Setback: Twenty (20) feet except in the case where a side yard abuts a Residential Zoning District, in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front.
  - 3. Rear Setback: Twenty (20) feet, except in the case where a rear yard abuts a Residential Zoning District, in which case the minimum required rear yard shall be 60 (sixty) feet.

- D. Maximum Building Site or Parcel Coverage: The maximum building site or parcel coverage shall not exceed fifty (50) percent.
- E. Maximum Building Height Requirements: Thirty-five (35) feet measured from the average finished grade at the front setback line.

250.705 Site Plan Review:

*Section 7.5* For all permitted uses a site plan shall be submitted in accordance with Article XIV Site Plan Review, Article XIII Special Land Uses, Article XVIII Administration and Article XXI Enforcement and other provisions of this Ordinance as may be applicable.

**B. LIGHT INDUSTRIAL DISTRICT:**

250.706 Intent:

*Section 7.6* It is the intent of the Light Industrial District to provide for a variety of industrial uses that do not require infrastructure to protect the health, safety, and welfare of workers and nearby residents and the integrity of the Village's natural environment, including ground water resources. Permitted uses are intended to be characterized by the absence of objectionable external affects such as noise, fumes, continuous heavy truck traffic, and similar characteristics. This district is also intended to accommodate commercial establishments not engaging primarily in retail sales. The Light Industrial District is intended to implement, in part, the Industry component of the Comprehensive Plan of the Village of White Pigeon.

250.707 Uses Permitted by Right:

*Section 7.7* The following are uses permitted by right when conducted in a permanent fully enclosed building or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:

- A. Tool and die manufacturing establishments.
- B. Plastic molding and extrusion.
- C. Central dry-cleaning establishments.
- D. Monument and art stone production.
- E. Printing and publishing.
- F. Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractors equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.

- G. Commercial uses not primarily involved in retail sales as a primary uses, including but not limited to building material suppliers.
- H. The manufacturing, compounding, processing and packaging of drugs, perfumes, pharmaceuticals, toiletries, and condiments (except fish, meat, fowl, vegetables, vinegar, and yeast).
- I. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, zinc and aluminum pressure die casting, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
- J. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.
- K. Laboratories; experimental, film or testing.
- L. Public utility service yard or electrical receiving transforming station.
- M. Painting, upholstering, rebuilding, conditioning, body and fender work, repairing, tire recapping or retreading, and battery manufacture.
- N. Industrial park, subject to the following conditions:
  - 1. Permitted uses shall include all uses permitted by right within this district. Special land Uses identified in Article XIII may be permitted, subject to the special land use provisions of Section 250.1303.
  - 2. The minimum required land area of an industrial park shall be twenty (20) contiguous acres.
  - 3. The development of an industrial park shall be in accordance to an overall site plan for development of the park, which plan shall be approved by the Village Planning Commission.
  - 4. The developer shall provide within the industrial park a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with Village system. If sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all sewage and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, Branch, Hillsdale, and St. Joseph County Drain Commissioner and the Village.
  - 5. The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and



- design as will in the opinion of the County's Engineer collect, carry off, and dispose of all predictable surface water runoff within and drainage into the industrial park, and shall be constructed as to conform with the statutes, ordinances and regulations of the State of Michigan, the St. Joseph County Drain Commissioner and the Village.
6. If a public water system is not available, the developer shall provide within the industrial park a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
  7. The developer shall also provide a fire hydrant within four hundred (400) feet of each structure.
  8. Such water system shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Branch, Hillsdale and St. Joseph County Health Department, the St. Joseph County Drain Commissioner and the Village.
  9. All industrial parks shall have a direct access to a major thoroughfare.
  10. Provisions shall be made for a safe and efficient ingress and the egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow.
  11. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
  12. No part of any parking access and/or service area may be located closer than one hundred fifty (150) feet of any residential property line.
  13. Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
  14. Any industrial park adjoining any residential park adjoining any residential development shall be provided with a buffer zone of at least sixty (60) feet wide which shall be located adjacent to the property line. Such buffer zone shall be planted with evergreen and other suitable plantings and used for no other purposes as provided in Article XV. A landscaped planting area shall also be provided along all street frontage which shall not be less than sixty (60) feet in width.
  15. Lighting facilities shall be required where deemed necessary by the Planning Commission for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner so as to protect abutting

streets and adjacent properties from unreasonable glare or hazardous interference of any kind. See Article XV.

16. Maximum building coverage on any lot within the industrial park shall not exceed forty (40) percent.
- O. Accessory uses and structure customarily incidental to and subordinate to the permitted principal use.

250.708 Uses Permitted by Special Land Use Permit:

*Section 7.8*

- A. Automobile salvage and private junkyards.
- B. Communication towers.
- C. Residential quarters for a caretaker/security personnel, provided it is clearly accessory to the principal uses, does not occupy more than four hundred (400) square feet of space, and does not violate any setbacks.

250.709 Site Development Requirements:

*Section 7.9* The following maximum and minimum standards shall apply to all uses and structures in Light Industrial District of the GCLI District unless otherwise modified by the provisions of Article XIII, Special Land Uses, Article XV General Provisions, or as varied pursuant to Article XVII, Zoning Board of Appeals and other provisions of this Ordinance as may be applicable :

- A. Minimum Building Site or Parcel Area: The minimum building site or parcel area shall be two (2) acres, except for the buildings or structures in an industrial park, in which case the minimum lot size shall be one (1) acre.
- B. Minimum Building Site or Parcel Width: The minimum building site or parcel width shall be three hundred (300) feet along a public street.
- C. Setback Requirements:
  1. Front Setback: Seventy five (75) feet for U.S. or State Highway, measured from the right-of-way line; ninety three (93) feet for County Primary or Major Roads, measured from the center line; and eighty three (83) feet for County Local Roads, measured from the center line.

2. Side Setback: Twenty (20) feet except in the case where a side yard abuts a Residential Zoning District, in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front setback.
  3. Rear Setback: Twenty (20) feet, except in the case where a rear yard abuts a Residential Zoning District, in which case the minimum required rear yard shall be 60 (sixty) feet.
- D. Maximum Building Site or Parcel Coverage: The maximum building site or parcel coverage shall not exceed fifty (50) percent.
- E. Maximum Building Height Requirements: Thirty-five (35) feet measured from the average grade at the front setback line.

250.710 Site Plan Review:

*Section 7.10* For all permitted uses a site plan shall be submitted in accordance with Article XIV Site Plan Review, Article XIII Special Land Uses, Article XVIII Administration, Article XXI Enforcement and other provisions of the Ordinance as may be applicable.

ARTICLE VIII

250.800 “C-1” DISTRICT: DOWNTOWN COMMERCIAL DISTRICT

250.801 Purpose:

*Section 8.1* To provide a District where the primary use is for commercial, professional and business offices, governmental business and residential living on units above the ground level.

250.802 Uses Permitted By Right:

*Section 8.2*

- A. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, food, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry, domestic pets, or hardware.
- B. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
- C. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, dry cleaners, and self-service laundries, funeral homes.
- D. Medical and dental clinics.
- E. Veterinarian and animal clinics.
- F. Service establishments, including printing, publishing, photographic reproduction, blueprinting, and related trades or arts.
- G. Private clubs and meeting halls.
- H. Residential uses when occupying the second or third floors, provided that all requirements of the Michigan State Construction Code are met, and that any new structure created must have adequate on-site parking.
- I. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
- J. Essential services.

250.803 Reserved.

*Section 8.3*

Site Development Requirements:

*Section 8.4* The following maximum and minimum standards shall apply to all uses and structures in the Downtown Commercial District unless otherwise modified by the provisions of Article XIII, Special Land Uses; Article XV, General Provisions, Article XVII Zoning Board of Appeals and other provisions of this Ordinance as may be applicable :

- A. Minimum Lot, Building Site or Parcel Area: The minimum lot, building site or parcel area shall be ten thousand (10,000) square feet.
- B. Minimum Lot, Building Site or Parcel Width: The minimum building site or parcel width shall be 100 (one hundred) feet along a public street or road.
- C. Setback Requirements:
  - 1. Front Setback: The minimum setback of fifty (50) feet, but not less than the following road requirements; seventy five (75) feet for the U.S. or State Highway, measured from the right-of-way; ninety three (93) feet for County Primary and Major Roads, measured from the center line; and for County Local Roads, measured from the center line there shall be a minimum setback eighty three (83) feet.
  - 2. Side Setback: The minimum setback of twenty five (25) feet, except in the case where a side yard abuts a Residential or Agricultural Zoning District, in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall be a minimum of sixty (60) feet.
  - 3. Rear Setback: The minimum setback of twenty (20) feet, except in the case where a rear yard abuts a Residential or Agricultural Zoning District, in which case the minimum required rear yard shall be sixty (60) feet.
- D. Maximum Lot, Building Site or Parcel Coverage: The maximum building site or parcel coverage shall exceed fifty (50) percent.
- E. Maximum Building Height Requirements: No building or structure or part thereof shall be erected or altered to height exceeding thirty-five (35) feet measured from the average finished grade at the front setback line.

*Section 8.5*

- A. Public or private facilities including cemeteries, parks, schools, libraries and similar uses and activities, including administrative buildings associated with public utilities, and substations and structures and enclosures or shelters for utility service equipment and maintenance depots associated with public utilities.
- B. Open air business including automobile, truck, and boat sales; nursery and landscape supplies and sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
- C. Communication towers.
- D. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks, or similar uses.
- E. Outdoor commercial recreation including miniature golf, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, drive-in theaters, amusement parks, survival games, campgrounds, and uses similar to the above uses, excluding golf courses and country clubs, recreational fields, and shooting ranges. Accessory uses to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, and locker rooms and rest rooms are permitted.
- F. Offices and showrooms of plumbers, electricians, decorators or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices or display.
- G. Wholesale businesses handling candy, drugs, jewelry, novelties, professional barber and beauty supplies, office supplies, radio and television parts, and tobacco, and similar products.
- H. Building supply and equipment, for predominantly retail sales.
- I. Drive-in, drive-through, takeout, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
- J. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.
- K. Motels and hotels.

- L. Funeral homes and mortuaries.
- M. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

250.806 Site Plan Review:

*Section 8.6* For all permitted uses a site plan shall be submitted in accordance with Article XIV Site Plan Review, Article XIII Special Land Uses, Article XVIII Administration, Article XXI Enforcement and other provisions of this Ordinance as may be applicable.

ARTICLE IX

250.900 “C-2” DISTRICT: GENERAL COMMERCIAL DISTRICT:

250.901 Purpose:

*Section 9.1* The General Commercial District is primarily intended to provide areas wherein retail, trade, office, and service outlets can be located in order to satisfy the day to day needs of the residents of the Village and surrounding areas, while also providing opportunities for more regional commercial land uses which require proximity to regional transportation arteries. Such regional land uses shall be permitted only after special review where such uses are deemed appropriate in the proposed location. The General Commercial District is intended to implement, in part, the Commercial component of the Comprehensive Plan of the Village of White Pigeon.

250.902 Uses Permitted by Right:

*Section 9.2* In the “C-2” General Business District herein established, no building or land shall be used, and no building/structure shall be hereinafter erected or structurally altered, unless as otherwise provided in this Ordinance, except for the following uses:

- A. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, food, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry, domestic pets, or hardware.
- B. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, banks and architects, and similar office uses.
- C. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, and dry cleaners.
- D. Medical and dental clinics.
- E. Veterinarian clinics.
- F. Service establishments, including printing, publishing, photographic reproduction, blueprinting, and related trades or arts.
- G. Private clubs and meeting halls.
- H. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

250.904 Uses Permitted by Special Land Use Permit:



*Section 9.4*

- A. Public facilities including cemeteries, parks, schools, libraries and similar uses and activities, including administrative buildings associated with public utilities, and substations and structures and enclosures or shelters for utility service equipment and maintenance depots associated with public utilities.
- B. Automobile car wash.
- C. Open air business including automobile, truck, and boat sales; nursery and landscape supplies and sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
- D. Communication towers.
- E. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks, or similar uses.
- F. Outdoor commercial recreation including miniature golf, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, drive-in theaters, amusement parks, survival games, campgrounds, and uses similar to the above uses, excluding golf courses and country clubs, recreational fields, and shooting ranges. Accessory uses to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, and locker rooms and rest rooms are permitted.
- H. Offices and showrooms of plumbers, electricians, decorators or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices or display.
- I. Wholesale businesses handling candy, drugs, jewelry, novelties, professional barber and beauty supplies, office supplies, radio and television parts, and tobacco, and similar products.
- J. Building supply and equipment, for predominantly retail sales.
- K. Drive-in, drive-through, takeout, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
- L. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.
- M. Motels and hotels.
- N. Funeral homes and mortuaries.
- O. Mini storage facilities.

- P. Motor vehicle, trailer, and boat service and repair stations.
  - Q. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
- I. Essential Services.

250.903 Site Development Requirements:

*Section 9.3* The following maximum and minimum standards shall to apply all uses and structures in the General Commercial District unless otherwise modified by the provisions of Article XIII Special Land Uses, Article XV General provisions, Article XVII, Zoning Board of Appeals and other provisions of this Ordinance as may be applicable;

- A. Minimum Building Site or Parcel Area: All uses permitted in this district shall provide a minimum building site or parcel area of two (2) acres.
- B. Minimum Building Site or Parcel Width: The minimum building or parcel width shall be three hundred (300) feet along a public street.
- C. Setback Requirements:
  - 1. Front Setback: Seventy five (75) feet for U.S. or State Highway, measured from the right-of-way line; ninety three (93) feet for County Primary and Major Roads, measured from the center line; and eighty three (83) feet for County Local Roads, measured from the center line.
  - 2. Side Setback: Twenty (20) feet except in the case where a side yard abuts a Residential or Agricultural Zoning District, in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front.
  - 3. Rear Setback: Twenty (20) feet, except in the case where a rear yard abuts a Residential or Agricultural Zoning District, in which case the minimum required rear yard shall be sixty (60) feet.
- D. Maximum Building Site or Parcel Coverage: The maximum building site or parcel coverage shall not exceed fifty (50) percent.

- E. Maximum Building Height Requirements: Thirty five (35) feet measured from the average finished grade at the front setback line.

250.904 Uses Permitted by Special Land Use Permit:

*Section 9.4*

- G. Public and private facilities including cemeteries, parks, schools, libraries and similar uses and activities, including administrative buildings associated with public utilities, and substations and structures and enclosures or shelters for utility service equipment and maintenance depots associated with public utilities.
- H. Automobile car wash.
- I. Open air business including automobile, truck, and boat sales; nursery and landscape supplies and sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
- J. Communication towers.
- K. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks, or similar uses.
- L. Outdoor commercial recreation including miniature golf, animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, drive-in theaters, amusement parks, survival games, campgrounds, and uses similar to the above uses, excluding golf courses and country clubs, recreational fields, and shooting ranges. Accessory uses to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, and locker rooms and rest rooms are permitted.
- H. Offices and showrooms of plumbers, electricians, decorators or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices or display.
- I. Wholesale businesses handling candy, drugs, jewelry, novelties, professional barber and beauty supplies, office supplies, radio and television parts, and tobacco, and similar products.
- J. Building supply and equipment, for predominantly retail sales.
- K. Drive-in, drive-through, takeout, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
- L. Standard restaurants, clubs, and other drinking establishments

which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.

- M. Motels and hotels.
- N. Funeral homes and mortuaries.
- O. Mini storage facilities.
- P. Motor vehicle, trailer, and boat service and repair stations.
- Q. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

250.905 Site Plan Review:

*Section 9.5* For all permitted uses a site plan shall be submitted in accordance with Article XIV Site Plan Review and Article XIII Special Land Use Permits and other provisions of this Ordinance as may be applicable.

## ARTICLE X

### 250.1000 “I” DISTRICT: INDUSTRIAL DISTRICT

#### 250.1001 Purpose:

*Section 10.1* It is the purpose of the Industrial District to provide for a variety of industrial land uses. This district is designed to provide for the location of industry in a manner which is compatible with and serves those people living and working within the Village.

#### 250.1002 Uses Permitted by Right:

*Section 10.2* In the “I” Industrial District no building or land shall be used and no building/structure shall be hereafter erected or structurally altered, unless otherwise provided in this Ordinance, except for the following uses:

- A. Industrial uses and manufacturing.
- B. Equipment Servicing.
- C. Storage and warehousing.
- D. Accessory retail sales connected with an industrial or manufacturing use.
- E. Those uses permitted by right in Light Industrial.
- F. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.

#### 250.1003 Site Development and Requirements:

*Section 10.3* The following maximum and minimum standards shall apply to all uses and structures in the Industrial District unless otherwise modified by the provisions of Article XIII Special Land Uses, Article IX General Provisions, or as varied pursuant to Article XVII Zoning Board of Appeals and other provisions of this Ordinance as may be applicable :

- A. Minimum Building Site or Parcel Area: All uses permitted in this district shall provide a minimum building site or parcel are of two (2) acres, except for buildings or structures in an industrial park, in which case the minimum lot size shall be one (1) acre.
- B. Minimum Building Site or Parcel Width: The minimum building or parcel width shall be three hundred (300) feet along a public street.
- C. Setback Requirements:
  - 1. Front Setback: Minimum setback of fifty (50) feet, but not less than the following road requirements; seventy five (75)

for the U.S. or State Highway, measured from the right-of-way line; ninety three (93) feet for County Primary and Major Roads, measured from the center line; and eighty three (83) feet for County Local Roads, measured from the center line.

2. Side Setback: Twenty five (25) feet, except in the case where a side yard abuts a Residential Zoning District, in which case the minimum required side yard shall be 60 (sixty) feet, or in the case of a corner lot, where the side yard on the street side shall not be less than the setback required for the front setback.
3. Rear Setback: Twenty (20) feet, except in the case where a rear yard abuts a Residential Zoning District, in which case the minimum required rear yard shall be sixty (60) feet.
4. In any case, no structure shall be located any closer than three hundred (300) feet to a residential district line.

D. Maximum Building Site or Parcel Coverage: The maximum building site or parcel shall not exceed fifty (50) percent.

E. Maximum Building Height Requirements: Thirty five (35) feet measured from the average finished grade at the front setback line.

250.1004 Site Plan Review:

*Section 10.4* For all permitted uses a site plan shall be submitted in accordance with Article XIV Site Plan Review, Article V Special Land Uses, Article XVIII Administration, Article XXI Enforcement and other provisions of this Ordinance as may be applicable.

250.1005 Uses Permitted By Special Land Use Permit:

*Section 10.5* The following uses permitted in this district subject to obtaining a Special Land Use Permit as provided in Article XIII.

- A. Automobile salvage and private junkyard.
- B. Recycling center.
- C. The removal of soil, sand, gravel and other materials.
- D. Fully enclosed slaughter house.

ARTICLE XI

250.1100 NON-CONFORMITIES

250.1101 Continuance of Non-Conforming Uses and Structures

*Section 11.01* 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.

250.1102 Discontinuance of Non-Conforming Uses

*Section 11.2* If the non-conforming use of any land shall terminate for a continuous period of over twelve (12) months or more, such use shall not be re-established and any future use of such land or structure shall be in conformity with this Ordinance.

250.1103 Restoration and Repair

*Section 11.3*

- A. Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made.
- B. In the event any non-conforming use of structure shall be damaged by fire, wind or an Act of God or Act of War, or by natural decay or lack of routine maintenance, it may be rebuilt or restored provided the cost of restoration thereof shall not equal or exceed the Assessed Value of such building or structure. Such determination shall be made by either the Building Inspector or Village Assessor.
- C. 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, or as provided in Articles IV, V, VI, VII, VIII, IX, and X, Article XVI, building height shall be measured in accordance with Article II of this Ordinance and other provisions of this Ordinance as may be applicable.
- D. Restoration of any non-conforming building or structure pursuant to paragraph B or C above shall first be approved by the building inspector and zoning administrator pursuant to Article XVII Zoning Board of Appeals. Approval of any such application for restoration shall be in compliance with the following standards:

1. The restoration shall not enlarge or create an additional non-conforming condition to expand the non-conformity, which was present prior to the need for restoration.
2. The restoration does not create conditions which impede fire/safety accessibility to the building or structure.
3. The restoration does not create a public or private nuisance to abutting properties.

250.1104 Change of Use or Structure

*Section 11.4* A non-conforming use may be changed to another non-conforming use if the Zoning Board of Appeals finds 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.

250.1105 Non-Conforming Due to Reclassification

*Section 11.5* The foregoing provisions of this Ordinance shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification or districts or any subsequent change in the regulations of this Ordinance.



ARTICLE XII

250.1200

OFF-STREET PARKING AND LOADING

250.1201

Off-Street Parking and Loading.

*Section 12.1*

- A. General. All buildings located in the Village shall provide off-street parking adequate for the use intended.
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.
  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 Planning Commission is empowered to determine whether adequate parking is available during the site plan review process for these types of uses and may require that the occupant execute cross-access agreements to authorize the same.
  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 Planning Commission. Screening provisions in this ordinance shall control.
  - b. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residential building zones and streets. Lighting provisions of this Ordinance shall control.
  - c. The off-street parking area shall be subject to the approval of the Planning Commission to insure 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 Planning Commission showing the location, size, shape, design, landscape, driveways, 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, 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 set-back 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 in 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 Planning Commission to insure adequate relation to traffic safety, lighting and protection of the adjacent residential area.
- f. The Building 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. Parking and Storage of Unlicensed Vehicles: Automotive vehicles of any kind or type without current license plates shall be in accordance with the Village’s ordinance on unlicensed cars.

B. Parking Space Requirements. Parking spaces shall be in accordance with Sections 12.1 A and B.

1. Required Number. The off-street parking spaces required for each use permitted by this Ordinance shall not be less than that found in Table 12, provided that any fractional parking space be computed as a whole space.

**Table 12  
Off-Street Parking Schedule**

Use	Number of Parking Spaces Required
Assembly	1 per 300 gross square feet
Dwelling Unit	2 per dwelling unit
Health club	1 per 100 gross square feet
Hotel/motel	1 per selling unit plus 1 per 500 square feet of common area
Industry	1 per 500 square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 200 gross square feet
Retail	1 per 200 gross square feet
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member
Warehouse	1 per 500 gross square feet

1. Accessible Spaces. Accessible parking spaces and passenger loading zones shall be provided in accordance with the building code. Passenger loading zones shall be designed and constructed in accordance with ICC A117.1 (Accessible and Usable Buildings and Facilities).

C. Parking Stall Dimension. Parking stall dimensions shall be in accordance with Section 12.1 C.

1. Width. A minimum width of 9 feet shall be provided for each parking stall.

Exceptions:

1. Compact parking stalls shall be permitted to be 8 feet wide.
  2. Parallel parking stalls shall be permitted to be 8 feet wide.
  3. The width of a parking stall shall be increased 10 inches for obstructions located on either side of the stall within 14 feet of the access aisle.
  3. Accessible parking spaces shall be designed in accordance with ICC A117.1.
2. Length. A minimum length of 20 feet shall be provided for each parking stall.

Exceptions:

1. Compact parking stalls shall be permitted to be 18 feet in length.
2. Parallel parking stalls shall be a minimum 22 feet in length.

D. Design of parking facilities. The design of parking facilities shall be in accordance with Section 12.1D.

1. Driveway width. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:
  - a. Private driveways at least 9 feet
  - b. Commercial driveways:
    - i. Twelve feet for one-way enter/exit.
    - ii. Twenty-four feet for a two-way enter/exit.
2. Driveway and ramp slopes. The maximum slope of any *driveway* or ramp shall not exceed 20 percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the code official and the jurisdiction's engineer.
3. Stall access. Each required parking stall shall be individually and easily accessed. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall when such stall serves more than two dwelling units or other than residential uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

4. Compact-to-standards stall ratio. The maximum ratio of compact stalls to standards stalls in any parking area shall not exceed 1 to 2.

5. Striping. All parking stalls shall be striped.

Exception: A *private garage* or parking area for the exclusive use of a single-family dwelling.

6. Lighting. All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

E. 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 buildings, 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 (one) additional space for each additional 100,000 square feet or part thereof; provided that:

- i. 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.
- ii. Such space may occupy all or any part of any required yard or court space, except the front yard.

ARTICLE XIII

250.1300 SPECIAL LAND USE PERMITS

250.1301 Purpose.

*Section 13.1* It is recognized that certain uses may not be totally compatible with the uses permitted in any district without careful attention to design features, location, and the public health, safety, and welfare of adjacent uses, as well as that of the entire community. For this reason, certain uses shall be required to obtain special land use permits prior to their establishment in the appropriate zoning district. The alternative would be to establish special, limited zoning districts for each use, which reduces flexibility for both the public and the private property owner, and which is therefore less desirable.

Therefore, the special land use permit it created in order to provide for a more detailed consideration of certain specified activities as they may relate to proposed conditions of: location, design size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.

250.1302 Procedures for Making Applications.

*Section 13.2*

- A. Application: Application shall be submitted through the Village Clerk to the Village Planning Commission on a special form for that purpose: each application shall be accompanied with the duly adopted "schedule of fees" to cover cost of processing the application. No part of any fee shall be refundable.
- B. Data Required in Application: Every application shall be accompanied by the following information and data:
  - 1. Special form supplied by the Village Clerk or appointed filled out in full by the applicant.
  - 2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.

3. Preliminary plans and outline specifications of the proposed development.
  4. A statement with supporting evidence regarding the required findings specified in Section 250.1303.
- C. The Planning Commission shall review the proposed development, prior to submitting its recommendations for action to the Village Council, in terms of the standards set forth in this Ordinance. The Village Zoning Board of Appeals shall have no authority to hear, decide or act on applications for special land uses.
- D. Upon receipt of an application for a special land use the Chairperson of the Village Planning Commission or his or her designee shall provide notice of the request as required under subsection 3. The notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the zoning jurisdiction.
1. At the initiative of the Planning Commission, Village Zoning Administrator, Village Building Official, Village Council or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held by the Planning Commission on the Special Land Use request.
  2. The Village Planning Commission may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed thereon.
  3. Notice Provisions and Requirements for Special Land Uses.
    - a. Publication. Publish a notice of the special land use request in a newspaper of general circulation in the local unit of government not less than 15 days prior to the meeting at



which the special land use request will be considered.

- b. Mailed Notice. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered and to persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located within the Village of White Pigeon. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- c. Timing of Notice of Special Land Use. The notice shall be given not less than 15 days before the date the application will be considered for approval.
- d. Notice, contents. The notice shall do all of the following:
  - i. Describe the nature of the request.
  - ii. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - iii. State when and where the request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.
  - v. Indicate that a public hearing may be held on the request at the initiative of the party entitled to notice under this provision, or by the individuals

identified in paragraph 250.1302  
D.3.d.i.

- E. Upon conclusion of meeting, the Planning Commission shall recommend action to the Village Council including any time limit or specific requirements desired. Following a favorable action by the Village Council, the Village Zoning Administrator shall issue a Special Land Use Permit with all conditions clearly specified in writing. Special Land Use decisions made pursuant to this Section are not reviewable by the Zoning Board of Appeals. See the Michigan Zoning Enabling Act, being Act 100 of 2006.

250.1302.1 General Standards for Making Determinations.

*Section 13.2.1* The Planning Commission in making recommendations to the Village Council shall establish the facts and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Village Master Plan of current adoption.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- C. Will not be hazardous or disturbing to existing or future neighboring uses.
- D. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- E. Will be adequately served, be essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. Will be consistent with the intent and purposes of this Ordinance.

I. Time Periods.

Special land use permits may be issued for time periods as determined by the Village Council. In any case, if work has not proceeded to at least 50% of completion within 180 days of issuance of the special land use permit, said permit will become null and void.

Special land use permits may be renewed in the same manner as originally applied for. The Village Council shall review all issued special land use permits for compliance to original guidelines. This review shall be done at least once yearly.

J. Financial Guarantee.

In authorizing a special land use permit, the Village Council may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Village be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like. The financial guarantee shall be deposited with the Village Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Village Council may authorize a proportional rebate of the financial guarantee upon completion of significant phases of improvements.

K. Specific Requirements.

The foregoing general standards are basic to all special land uses. The specific requirements accompanying the following Sections relating to particular uses are in addition and shall be required in all applicable situations.

250.1303 Special Land Use Specific Requirements

*Section 13.3*

A. Non-Residential Structures and Land Uses in Residential Districts:

1. Uses:

The following uses are permitted in one or more residential districts.

- a. Public parks, golf courses, clubs, garden nurseries, greenhouses.

- b. Public and private hospitals, schools, cemeteries, churches, nursing homes and elderly care facilities, and government buildings.
  - c. Public utility structures and substations.
  - d. Veterinarian and animal clinics.
2. General Standards: In as much as the non-residential uses permitted in residential district may have an adverse effect on residential properties if not properly located and designed, the following general standards must be met prior to development of such uses:
- a. Hazardous areas must be adequately fenced to avoid accidents, such areas include:
    - i. Public utility substations.
  - b. A permitted non-residential structure should preferably be located at the edge of a residential district, abutting a commercial/industrial district, or a public open space.
  - c. All means shall be utilized to face any permitted non-residential use on a major street (minor arterial or collector).
  - d. Motor vehicle entrance and exit should be made on a major street to avoid the impact of traffic generated by the non- residential use upon the residential area.
  - e. Site locations should be chosen which offer natural or man-made barriers that would lessen the effect of the intrusion of a non-residential use into a residential area.
  - f. Non-residential uses should not be located so as to cause costly public improvements.
3. Public Utility Structures and Substations: Adequate planting materials to screen exposed facilities from view shall be required. Evergreens are recommended, however, selected deciduous trees may be used when appropriate.

B. MULTIPLE HOUSING DEVELOPMENTS

1. Uses: Any structure containing three (3) or more living units.
2. Additional Information Required:
  - a. The developer shall submit his plans to the following agencies for comments in writing to be delivered to the Village:
    - i. St. Joseph County Road Commission.
    - ii. St. Joseph County Drain Commission.
    - iii. Branch-Hillsdale-St. Joseph Community Health Agency.
    - iv. The Board of Education of the district in which the project is located.
  - b. The developer shall submit a report including:
    - i. Number, size, and dimensions of buildings.
    - ii. Number and size of living units.
    - iii. Number, size and type of parking areas.
    - iv. Basis of calculations for determining required parking and density.
    - v. Description of utility (sewer, water, storm drainage) systems planned.
3. Standards:
  - a. No building shall be closer than fifty (50) feet to another, except when abutting walls contain no windows, in which case the distance may be reduced to twenty-five (25) feet.
  - b. No building shall be longer than one hundred fifty (150) feet in any direction.
  - c. Motor vehicle entrance and exit shall be only from a major street (minor arterial or collector) to avoid the impact of traffic generated on neighboring residential uses.
  - d. A pedestrian and non-motorized vehicular pathway system shall be provided in such a way to minimize conflict points with motorized vehicles.

- e. Recreational facilities for the residents shall be provided in easily accessible areas, including play equipment for children as well as adult recreation areas.
- f. Plantings: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and, additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen objectionable features. The landscaping plan shall be submitted in conjunction with the site plan with the application and shall be in conformance with Section 250.1502C.
- g. Land Use Pattern: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be in favorable relationship to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.
- h. Community buildings shall be of sound construction, attractively designed, and located in convenient proximity to the greatest possible number of residential living units.

C. MISCELLANEOUS SPECIAL LAND USES

1. Uses:

- a. Outdoor motor vehicle, boat, mobile home sales, rental, repair, and display or storage provided that when such activities occur within a building such use shall be permitted by right.
- b. Hotels, motels, and motor hotels.
- c. Bowling alleys, pool halls, and mechanical amusement centers.
- d. Outdoor theaters.
- e. Car washes, automatic and self-service.
- f. Transient amusement enterprises such as carnivals, circuses and tent shows.

- g. Warehousing, storage, and truck terminals.
- h. Manufacturing and processing.
- i. Permanent contractor's storage yard.
- j. Indoor storage facilities for boats, campers, and recreational vehicles provided that:
  - i. The minimum site size shall be two (2) acres.
  - ii. There shall be no outdoor storage.
  - iii. There shall be no repair of any boat or recreational vehicle on site.
  - iv. The site shall be screened on all sides abutting residentially used.
- k. Bed and Breakfast Facilities provided that:
  - i. The minimum size of a rental room shall be 120 sq. ft.
  - ii. The minimum size of the manager/owner living quarters shall be 450 sq. ft.
  - iii. Bathrooms must be furnished for guestrooms at a ratio of not less than one bathroom per two rental rooms.
  - iv. An approved smoke and fire detection system shall be installed in each guestroom.
  - v. Approval of the Branch-Hillsdale-St. Joseph County Health Agency is required if other than a continental breakfast is served.
  - vi. The maximum stay at the facility shall be ten (10) continuous days.
  - vii. An approved carbon monoxide detection system shall be installed in each guest room heated by a heater that may produce carbon monoxide.
  - viii. Meets the Michigan State Construction Code
- l. Recycling Center
- m. Adult Entertainment Facilities. (See 250.1502J).
- n. Shopping Centers.
- o. Commercial Kennels.
  - i. Shall be located and constructed so as to minimize the potentially adverse effect of noise on adjacent properties.

- ii. Shall be located and constructed so as to minimize the potentially adverse effects of odors on adjacent properties.
- iii. No structure shall be located closer than one hundred fifty (150) feet to any property boundary.

2. General Standards: In as much as certain commercial/industrial uses may have a substantial impact on land use, traffic patterns, aesthetics, the environment, and the general welfare of the Village, the following standards must be met by such uses:

- a. Whenever possible entrance and exit shall be made on a major street (minor arterial or collector).
- b. Whenever possible existing trees on the site shall be preserved. In addition, new landscaping shall be added to enhance the beauty of the development.
- c. Screening shall be provided for uses which exhibit a cluttered appearance due to outdoor operations, which generate unusual noises, or require lighting which may shine onto adjacent properties. Such uses shall include, but not necessarily be limited to the following:
  - i. Outdoor motor vehicle, boat, mobile home sales, display or storage.
  - ii. Car washes.
  - iii. Truck terminals and certain warehouses.
  - iv. Permanent contractor's storage yard.
- d. Operators of transient amusement enterprises shall have insurance in an amount determined by the Village to be reasonable and appropriate to the scope of the operation proposed.

3. Industrial Use Standards:

- a. Activities shall be carried on in completely enclosed buildings. Storage may be permitted outdoors but shall be effectively screened by solid, uniformly finished wall or fence with solid entrance and exit gates. Such walls or fences may exceed the usual six (6) foot limit if approved by the Village.
- b. Industries which emit odorous gases, smoke, dust, heat, vibrations, or radiation which are humanly perceptible at



the property boundaries shall be required to submit a plan for the control of dangerous or objectionable emissions to the Village Council as a condition of approval.

- c. Industries may not engage in the production or storage of materials designed for uses as an explosive.
- d. Removal of Soil, Sand, Gravel, and Other Materials.
  - i. The soil erosion control standards of St. Joseph County shall be followed.
  - ii. All areas shall be rehabilitated as work progresses to a condition reasonably safe, and to blend in with the surrounding area. A bond for compliance may be required in an amount to be determined by the Village Council.
  - iii. All installation shall be maintained in a neat orderly conditions so as to prevent injury to any property, individual, or the community in general.
  - iv. Traffic: The Village shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to prevent hazards and damage to properties and to avoid densely populated residential area.

#### D. PLANNED UNIT DEVELOPMENT

- 1. Objectives for Planned Unit Developments: It shall be the policy of the Village of White Pigeon to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:
  - a. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
  - b. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.

- c. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- d. A more efficient use of land than is generally achieved through conventional development.
- e. A development pattern in harmony with land use density, transportation facilities, and community facilities and that such pattern promotes or encourages the objectives of the Village.

The Village is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

- 2. Provisions Governing Planned Unit Developments: Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other articles of this Ordinance, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Ordinance.
- 3. Application and Procedure: Upon approval by the Planning Commission and the Village Council, a planned unit development district may be applied to any existing residential district. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "PUD". Planned unit development districts shall be approved by the Planning Commission and the Village Council in the manner provided in this Ordinance. The Village Zoning Board of Appeals shall have no authority to hear, decide, or act on applications for Planned Unit Developments. Planned Unit Development decisions made pursuant to this Section are not reviewable by the Zoning Board of Appeals. See the Michigan Zoning

Enabling Act, being Act 110 of 2006, as amended, codified at MCL125.3603

4. Uses Permitted: Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential districts shall apply except as modified in this ordinance.

The amount of land devoted to commercial use in a residential-commercial development shall be determined by the Planning Commission and approved by the Village Council.

5. Minimum Project Area: The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of forty (40) acres. Smaller parcels may be considered, provided that they meet the requirements of Section 250.1303D.1. Provisions for smaller parcels are also contained in this ordinance.

When the planned unit development proposes a mixture of residential uses with commercial uses, the Planning Commission may limit the development to not more than eight (8) percent of the tract to commercial uses.

6. Project Ownership: The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.
7. Common Open Space: A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in this Ordinance.
8. Disposition of Open Space: The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Village and retained as common open space for parks, recreation and related uses. All land dedicated to

the Village must meet the Planning Commission's requirements as to size, shape and location.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

9. Utility Requirements: Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.
10. Building Site Area Per Single Family Dwelling:
  - a. In platted area or site condominium projects, the building site area per dwelling unit may be reduced by not more than forty (40) percent of the minimum building site area required in the Schedule of Regulations.
  - b. Building site widths may be varied to allow for a variety of structural designs.
  - c. Densities may not exceed one hundred (150) percent of that which is permitted in the existing zoning district.
11. Building Sites to Abut Upon Common Open Space: Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight (8) townhouse units in any contiguous group.
12. Procedure For Approval of PUD District: Planned unit development districts shall be approved in accordance with the procedures in Sections 250.1303D.13 -250.1303D.21.
13. Pre-Application Meeting: The developer shall meet with the Village President and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and

standards contained herein, and to familiarize the developer with the policies contained in the Village Land Use Plan.

14. Final Development Plan: After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include a registered land surveyor, registered civil engineer, and registered landscape architect.
  
15. Contents of Application For Approval of Final Development: An application for approval of the final development plan shall be filed with the Village Clerk by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:
  - a. Name, address, and phone of applicant.
  - b. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
  - c. All information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties.
  - d. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated

nonresidential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development.

- e. Engineering feasibility studies and plans showing, as necessary, water, waste disposal, drainage, electricity, telephone, and natural gas installations; street improvements, and nature and extent of earth work required for site preparation and development.
  - f. Site plan, showing building(s), various functional use areas, circulation, and their relationship.
  - g. Preliminary building plans, including floor plans and exterior elevations.
  - h. Landscaping plans.
  - i. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
16. Notice of Application: Upon receipt of an application for a planned unit development the Village of White Pigeon Planning Commission shall provide notice of the same as required by the Zoning Enabling Act, being Act 110 of 2006, as amended.
17. Public Hearing By Planning Commission: Within thirty (30) days after submission of the final development plan, the Planning Commission shall hold a public hearing pursuant to the Zoning Enabling Act, being Act 110 of 2006, as amended. Said public hearing shall be noticed in accordance with Article XIV Site Plan of Review, Article XVIII Administration of this Ordinance.
18. Recommendation By Planning Commission: Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend to the Village Council that the final development plan be approved as

presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Village Council.

19 Criteria For Recommendations By Planning Commission:  
Before making its recommendation as required in Section 250.1303D.18, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- a. The proposed development can be initiated within two (2) years of the date of approval.
- b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- d. Any proposed commercial development can be justified at the locations proposed.
- e. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Village Council.
- f. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- g. The planned unit development is in general conformance with the land use plan of the Village.

- h. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
20. Action By Village Council: Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the Village Council shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Village Council shall direct building permits to be issued only in accordance with the approved final development plan and the supplementary conditions attached thereto.
  21. Supplementary Conditions and Safeguards: In approving any planned unit development district, the Village may prescribe appropriate conditions and safeguards such as performance bonds or escrow accounts in conformity with this Ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this ordinance.
  22. Expiration and Extension of Approval Period: The approval of a final development plan for a planned unit development district shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.



E. MOBILE HOME PARK DISTRICT

1. Purpose: It is the purpose of the Mobile Home Park District to provide for the location of mobile home dwellings in an attractive and orderly manner in the Village of White Pigeon. The area should be able to accommodate the increased traffic generated from such developments and requirements and be suitable for residential use. All mobile home parks shall comply with the requirements imposed by the Michigan Public Act 96 of 1987 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
  
2. Uses Permitted by Right: In the Mobile Home Park District no building or land shall be used and no building/structure shall be hereinafter erected or structurally altered, unless otherwise provided in this Ordinance, except for the following uses:
  - a. Mobile Home Parks, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site, subject, however, to the following conditions and limitations:
    - i. Manufactured or modular homes located in the mobile home park.
    - ii. Accessory buildings and uses incidental to a mobile home park, such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities.
    - iii. Home occupations (with mobile home park management approval).
    - iv. Essential services.
  
3. Site Development Requirements: The following maximum and minimum standards shall apply to all uses and structures in the Mobile Home Park District:
  - a. Minimum Lot, Width and Setbacks shall comply with the requirements as promulgated by the Michigan Mobile Home Park Commission Rules as amended.

4. Site Plan Review: For all permitted uses a site plan shall be submitted in accordance with Article IV General Provisions, Article V Special Land Uses and Article VI Administration and Enforcement.
5. Uses Permitted by Special Land Use Permit: Reserved.

F. FP DISTRICT: FLOOD PLAIN DISTRICT

1. Purpose. It is the purpose of this district to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Village of White Pigeon, and to comply with the provisions of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of the program by the Federal Emergency Management Agency.
2. Site Development Requirements. The following minimum and maximum standards shall apply to all uses and structures in the Overlay District of Flood Plain as stated in Article XV unless otherwise modified by the provisions of Article XIII, Special Land Uses, Article XV General Provisions; or as varied pursuant to Article XVII, Zoning Board of Appeals.
3. Site Plan Review. For all permitted uses a site plan shall be submitted in accordance with Article XIV Site Plan Review, Article XIII, Special Land Uses and Article XVIII Administration and Article XXI Enforcement.

ARTICLE XIV

250.1400

SITE PLAN REVIEW

250.1401

Intent.

*Section 14.1* The intent of this Section is to provide for consultation and cooperation between land developers and the Village in order that the developer may accomplish his or her objectives in the utilization of his or her land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity. Prior to the issuance of a building permit, to the creation of a use or the erection of a building in the district and under the conditions cited below, a site plan shall be submitted in accordance with this Section to the Village Council for approval. Prior to approval by the Council, however, such site plans shall be forwarded to the Village Planning Commission for review and recommendation before any action is taken by the Council. Site plans shall be required for the following uses and related development to be created in the following districts:

- A. All multiple family uses, mobile home park districts and non-residential districts. In addition all uses requiring a Special Land Use Permit shall require a site plan.

250.1402

Site Plan.

*Section 14.2* The site plan shall contain the following information:

- A. The date, north arrow and scale. The scale shall not be less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more
- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
- C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, park areas (show dimensions of a typical parking space), unloading areas and recreation areas.
- E. The location and the pavement and right-of-way width of all abutting roads, streets or alleys.

- F. For those buildings, uses or facilities which will be used or which will be available for use by the public for the purposes of education, employment, housing (other than a privately owned one- or two-family dwelling), transportation or recreation and for the purchase, rental or acquisition of goods and services, the name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of his professional seal).
- G. The name and address of the property owner or petitioner.
- H. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- I. A summary schedule should be affixed, if applicable, which gives the following data:
  - 1. The number of dwelling units proposed, to include the number, size and location (by code if necessary) of one-bedroom units, two-bedroom units, mobile home sites, etc.
  - 2. The residential area of the site in acres and in square feet, including breakdowns for any sub-areas or staging areas (excluding all existing rights-of-way).
- J. Size and location of all surface drainage facilities.
- K. Existing and proposed contours shall be shown on all site plans (two (2) foot intervals minimum) as may be required by the Village.
- L. For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type or building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.

250.1403 Submittal.

*Section 14.3* The site plan and all related information specified above shall be presented to the Village Council in seven (7) copies (five (5) copies to the Village Clerk and one (1) copy each to the Village Planning Consultant and the Village Engineer) by the property owner or petitioner at least one week prior to that meeting of the Planning Commission at which the plan will be reviewed.

250.1404 Approval.

*Section 14.4* The Village Council shall have function, duty and power to approve or disapprove, or to approve subject to compliance with certain modifications or conditions, the site plan in accordance with the purpose and intent of this Zoning Ordinance. Consideration of the comments and recommendation received from the Village Planning Commission or other appropriate Village officials may also be reviewed. In reviewing the application and site plan and in approving, disapproving or modifying the same, the Village Council shall be governed by the following standards:

- A. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.
- B. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood in general.
- C. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
- D. That any adverse effect of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures, and entryways thereto.
- E. That all provisions of the Village Zoning Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- F. That all buildings and structures are accessible to emergency vehicles.
- G. That the plan, as approved, is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid over-crowding of

population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; to conserve the expenditure of funds for public uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

250.1405 Modifications:

*Section 14.5* Any modifications of the site plan desired by Village shall be so stated in writing to the applicant. Site plan approval may be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Village Council. If any part of the site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must be granted by the Board of Appeals. Five (5) copies of the final approved site plan, with its modifications shall be on record in the Village offices. Each copy shall have the signature of the Village President. If variances are required and have been secured, the site plan shall also show the signature of the Chairman of the Board of Appeals.

250.1406 Disposition:

*Section 14.6* If approval is granted by the Village Council, the following conditions shall apply:

- A. In those instances in which platting is required by law, the owner or owners shall thereafter submit preliminary and final plat for the proposed development for approval in compliance with Act 288, Public Acts of 1967, as amended, and with all ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the Village Council.
- B. Such plats shall be in strict conformity with the approved site plan, the conditions attached thereto, and the provisions of this Ordinance.

250.1407 Fees:

*Section 14.7* Any application for site plan approval shall be accompanied by the following fee. Such fee may be utilized by the Village to obtain the services of one (1) or more expert consultants qualified to advise as to whether the proposed

development will conform to the applicable Village Ordinances, policies and standards, and for investigation and report of any objectionable elements. Such consultants should report as promptly as possible. Fees shall be set by Village.

ARTICLE XV

250.1500

GENERAL PROVISIONS

250.1501

General Regulations.

*Section 15.1*

- A. **Effects of Zoning.** Zoning affects every structure and use. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located.

In any case any building or part thereof is issued, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

If construction on a building has lawfully begun prior to adoption of this Ordinance or is in existence at the time of the adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

- B. **Application of Regulations.** The regulations set by this ordinance throughout the Village and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.
1. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.
  2. No building or other structure shall hereafter be altered;
    - a. To accommodate or house a greater number of persons or families than permitted by the Zoning District.



- b. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
3. No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- C. **Schedule of District Regulations.** Regulations affecting the arrangement of buildings, materials and equipment occupying such land for each of the districts are hereby established as set forth in each district.
- D. **Building Permit Required - Conformance to Zoning.** No building shall hereafter except as otherwise provided by other Village codes and ordinances be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued.
- E. **Temporary Permits.** Temporary Permits may be authorized by the Board of Zoning 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 a 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.
- F. **Certificate of Occupancy Required.** No new principal building or dwelling subject to the provisions of this Ordinance shall be occupied, inhabited or used until a Certificate of Occupancy is issued by the Building Inspector.

G. **Structures**

1. **Restoring Unsafe Buildings.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or the County Health Department. A building or structure condemned by the building official may be restored to a safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is equal to or in excess of its State Equalized value, the structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
2. **Structure to Have Street/Road Access:** Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection and required off-street parking.
3. **One Single-Family Structure Per Building Site:** No single family detached residential structure shall be erected upon a lot with another single family detached residential structure, unless part of an approved site condominium project. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a building site as herein defined.

H. **Accessory Buildings**

1. No accessory building which is not attached and made structurally a part of the principal building shall be closer than 10 feet to any other building.
2. Where the accessory building is structurally attached to a principal building, it must be either constructed with similar quality workmanship as the original building, be constructed in accordance with the Village Building Code, or, where attached to a mobile home, conform to the "Mobile Home Construction and Safety Standards" as promulgated by the U.S. Department of Housing and Urban Development, being 24 CFR 3280, and as the same may, from time to time, be amended.
3. No accessory building shall project into any front yard in any District Zoning Classifications. In a Mobile Home Park District

the placement shall be in compliance with the Michigan Mobile Home Commission Act.

4. All accessory buildings must meet the setback requirements as stated in the individual District Zoning Classification.
5. Accessory buildings and structures including private garages (whether attached or detached) shall not occupy more than 25% of total lot coverage in any District Zoning Classification.
6. No detached accessory building in the R-1, R-2, R-3 and residential uses C-1, C-2, I, GCLI District Zoning Classifications shall exceed 15 feet in building height.
7. No detached accessory building in the R-1, R-2, R-3 and residential uses in C-1, C-2, I, GCLI districts shall be built on a parcel unless there is a residential structure on the lot.

I. **Lots**

1. New Lots to be Buildable: All newly created lots shall have buildable area. The net buildable area of a lot shall be at least 75% of the minimum lot area of the respective zoning district and a continuous piece of land excluding land subject to flooding six (6) months of the year, wetlands, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
2. Lot Size: No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance.
3. Corner Lots: On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate in his application for permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard.
4. Existing Platted Lots: Any residential lot laid out on an approved plat or existing at the time of adoption of this ordinance, that fails to comply with the minimum requirements of this ordinance may be used for single-family dwelling, provided said lot can meet the setback requirements of the respective zoning district.

250.1502 Additional General Regulations.

*Section 15.2*

A. **Lighting.**

1. **Purpose.** 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

B. **Fence.**

1. **General.** Fence and retaining wall heights in required yards shall not exceed those found in Table 250.1502 When installed, the decorative side of the fence or wall shall face the abutting property.

**Table 250.1502  
Maximum Fence Heights**

<b>Yards</b>	<b>Height (feet)</b>
Front	3.5
Rear	6.0
Side	
Lot Side	6.0
Street Side	3.5

1. 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 curb level 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.
2. 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.

C. **Requirements Minimum Landscaping and Screening.**

1. For multiple family and special nonresidential uses in the “R-3” Multi-Family Residential District, thirty (30) percent of the site under development shall be in landscaped open space. The open space shall be landscaped with one (1) evergreen tree or shrub for every one thousand (1,000) square feet or portion thereof plus one (1) small or large deciduous tree for every one thousand five hundred (1,500) square feet or portion thereof (plant materials existing on the site prior to development may be included as part of the requirement). Twenty five (25) percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have forty (40) percent of the required open space between the building and the street (see Section 250.1502C, for appropriate uses of plant materials).
2. For permitted and special land uses in the “C-1”, “C-2”, “I”, and “GCLI” Districts, fifteen (15) percent of the site shall be in landscaped open space with a minimum of one (1) evergreen tree or shrub for every two thousand (2,000) square feet of building area (ground floor) or portion thereof, plus a minimum of one (1) small or large deciduous tree for every four thousand (4,000) square feet of building area (ground floor), or portion thereof (plant materials existing on the site prior to development may be included as part of the requirement). Thirty (30) percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have sixty (60) percent of the required open space between the building and the roadway. Whenever feasible, a portion of the landscaping shall be placed adjacent to the building(s).
3. All areas shall be landscaped and shall meet the following standards:
  - a. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
  - b. Berms, whenever utilized shall be designed and landscaped to minimize erosion. Berms adjacent public right-of-ways shall have a slope no greater than 3:1, unless designed as part of a retaining wall.

- c. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease. Non-nursery derived stock shall not be used to satisfy these requirements.
- d. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.
- e. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.
- f. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed twenty five (25) percent of the required landscaped area. All such ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inches minimum aggregate size shall not be used in areas abutting public streets or sidewalks.
- g. Maintenance shall include all reasonable and regular irrigation, weeding, fertilizing and pruning. Plant materials which show signs of insect pests, diseases and/or damage shall be appropriately treated. Dead plant materials shall be replaced immediately or as soon as practical under the seasonal conditions existing and according to the approved site plan. The developer and subsequent owner(s) shall be responsible for maintaining all on-site landscaping.

4. Plant Materials.

- 1. Whenever in this Article greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a zoning permit and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties or adjacent public streets or right-of-ways. Suitable plant materials equivalent to the plant material listed in 250.1502C.6 with the required spacing indicated in Section 250.1502C.5 shall be used.

5. Plant Material Spacing.
- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
  - b. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
  - c. Evergreen trees shall be planted not more than thirty (30) feet on center and shall be not less than five (5) feet in height when planted.
  - d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height when planted.
  - e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height when planted.
  - f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall be not less than six (6) feet in height when planted.
  - g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height when planted.

6. Suggested Plant Materials.
- a. Evergreen Trees (Minimum five (5) feet in height) Fir, Douglas Fir, Hemlock, Juniper, Pine, Spruce
  - b. Narrow Evergreen Trees (Minimum three (3) feet in height) Blue Columnar Chinese Cedar, Columnar Hinoki Cypress, Columnar Giant Arbor-Vitea, Douglas Arbor-Vitea, Irish Yew, Pyramidal Red Cedar, Pyramidal White Pine, Swiss Stone Pine
  - c. Large Deciduous Trees (Minimum eight (8) feet in height) Beech, Birch, Ginkgo, Hackberry, Hard Maple, Honey Locust, Hop Hornbeam, Linden, Oak, Planetree (Sycamore), Sweet Gum
  - d. Large Deciduous Shrubs (Minimum six (6) feet in height) Buckthorn, Cottoneaster, Euonymus, Forsythia, Hazelnut, Honeysuckle, Lilac, Mock Orange, Ninebark, Privet, Sumac
  - e. Tree-like Shrubs (Minimum four (4) feet in height) Dogwood, Flowering Crab, Hawthorne, Hornbeam, Magnolia, Mountain Ash, Redbud, Rose of Sharon, Russian Olive

7. Landscaping Plans. Landscaping plans may be submitted to the Building Inspector for technical review and to the Planning

Commission for approval within ninety (90) days after final approval of the site plan. Plans may be submitted as an amendment to the site plan, thereby not requiring an additional review fee. On projects in excess of two (2) acres, the developer may file a phased plan for completing the landscaping, pursuant to these standards.

D. **Sign Regulations.**

1. **Purpose and Intent:** This Section is intended to regulate the use, construction, reconstruction, placement and design of signs in order to protect the Village's public health, safety and welfare. This Section is intended to establish reasonable regulations regarding the size, placement and construction of sign, while also regulating the time, place and manner of their display.
  - a. The regulations contained in this Section acknowledge that an individual property owner's or user's right to convey a message for business or other purposes must be balanced against the public's health, safety and welfare, and its right to be free of signs that are unreasonable distractions to drivers and pedestrians and which unnecessarily compete to attract attention.
  - b. The purposes of this Section are to:
    - i. Encourage the effective use of signs as a means of communication.
    - ii. Improve and maintain pedestrian and traffic safety.
    - iii. Encourage economic development.
    - iv. Prevention of blight.
    - v. Minimize the possible adverse effect of signs on nearby public and private property.
    - vi. Preservation and/or protection of scenic areas, viewshed and the dark night sky.
    - vii. Enable the fair and consistent enforcement of sign regulations.
  - c. It is further recognized that the Village of White Pigeon desires to regulate the size, number, location and placement of signs in order to:
    - i. Prevent and/or limit traffic and pedestrian accidents and injuries.
    - ii. Prevent and/or limit property damage occurring from obstructed visions caused by signs.



- iii. Prevent and/or limit distraction and confusion for the public and/or emergency service personnel resulting from sign.
  - iv. Minimize the risk of injury or damage from dilapidated, obsolete and/or abandoned signs.
  - v. Protect the public health, safety and welfare.
- d. It is further recognized that in some special instances, temporary signs may be appropriate for a limited time and with reasonable conditions.
- e. It is further recognized that this Section does not regulate the following:
- i. The content of the sign.
  - ii. Scoreboards at public schools or public athletic fields.
  - iii. Gravestones or cemetery markers.
  - iv. Religious symbols.
  - v. Noncommercial holiday displays.

2. General Requirements:

- A. It shall be unlawful for any person to erect, place or maintain a sign in the Village of White Pigeon except in accordance with the provisions of this Ordinance. Any sign which is not expressly allowed under the provision of this Article are prohibited.
- B. Signs Permitted in all Zoning Districts: The following signs are permitted in all zoning districts, except as otherwise provided, and do not require a zoning permit, but must conform to all other requirements of this Ordinance.
- i. One property address sign per lot or parcel that identifies the address number and street. Such signs shall not exceed sixteen (16) square feet in commercial and industrial zones or five (5) square feet in residential zones.
  - ii. Nameplate signs, not to exceed two (2) square feet. A limit of one (1) nameplate sign per each side of a building facing a street or parking area shall be permitted per business.

- iii. Memorial signs or tablets, names of buildings, and date of erection, monumental citations, commemorative tablets when carved into stone, concrete or other similar material or made of bronze, aluminum or other non-combustible material and made an integral part of the structure.
- iv. Signs on a bus, truck, trailer or other vehicle while operated and used for transport in the normal course of business.
- v. Regulatory, directional and street signs erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices, the Uniform Federal Accessibility Standards and/or the Michigan Barrier Free Manual.
- vi. Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- vii. Flags bearing the official insignia of a nation, state, municipality, educational institution or military branch and which do not constitute advertising.
- viii. Gateway signs not exceeding eight (8) feet in height and/or thirty two (32) square feet in total sign area, as approved by the Village of White Pigeon.
- ix. Plaques and signs designating a building or a site as historic in nature and installed by a federal, state or local historical agency or group.
- x. Permanent signs on vending machines, ice containers or other similar devices, indicating only the contents, provided that the sign area shall not exceed six (6) square feet per device and are not legible from the adjacent street.
- xi. Political signs shall be removed within ten (10) days after the election to which they apply. Political signs shall not be illuminated and may be placed only on private property and only with the permission of the property owner. Political signs shall not exceed thirty two (32) square feet per sign

or an aggregate of sixty four (64) square feet of display area per lot or parcel.

- xii. Any sign that is located completely within an enclosed building and is not visible from outside the building.
- xiii. Incidental signs provided such signs do not occupy more than eight (8) square feet of advertising display area. Incidental signs are not permitted in residential zoning districts.
- xiv. Product dispenser and point of sale displays provided they are not readable at a distance greater than three (3) feet off of the lot or parcel. Product dispensers and point of sale displays are not permitted in residential zoning districts.
- xv. On-premise directional signs up to four (4) square feet in sign area. Each lot, parcel or development shall not have more than two (2) directional signs per access point.
- xvi. Any sign providing a public notice or emergency information that is temporary in nature.
- xvii. Wayfinding signage installed by a government, government agency or quasi-government agency, including, but not limited to, DDA's, Corridor Improvement Authorities, etc..
- xviii. One construction sign for each street frontage of a construction project except developments involving one-family and two-family dwellings. The construction sign cannot exceed sixty four (64) square feet in area. Such signs may be erected thirty (30) days before the beginning of construction and must be removed within thirty (30) days following construction.
- xix. One non-illuminated real estate sign per lot not to exceed sixteen (16) square feet in area involving the sale or rental of the lot. Any such sign shall be located on the lot being advertised for sale or rent.

- xx. Any noncommercial sign that is not legible from a distance of more than three (3) feet beyond the lot or parcel on which sign is located.
  - xxi. Any portable freestanding sign which is not legible from a public street. Examples of such locations include, but are not limited to, inside a mobile home park or apartment complex, which signs located within ten (10) feet of the entrance to a business that the sign is advertising, so long as adequate clearance is maintained on the sidewalk for pedestrians and traffic.
  - xxii. Sidewalk signs located within ten (10) feet of the entrance to a business that the sign is advertising, so long as adequate clearance is maintained on the sidewalk for pedestrians and other traffic.
  - xxiii. Any subdivision or condominium advertising sign, provided that they are temporary, not illuminated and do not exceed sixty four (64) square feet in area. There may be no more than two (2), such sign must be removed when seventy five (75) percent of the lot/units have buildings on them, or have been sold or leased to purchasers/lessees other than the developer.
  - xxiv. Banners, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community or governmental events. Banners must be attached to light or utility poles and can be a maximum size of thirty two (32) square feet.
  - xxv. Banners, commercial in nature and theme, that are no larger than thirty two (32) square feet in area. Such banners may only be displayed for forty two (42) days out of any calendar year per business, entity or enterprise. No more than one (1) banner is allowed per lot or parcel and such banners are only allowed in the “C-1”, “C-2”, “I”, “GCLI” Zoning Districts.
3. Prohibited Signs: The following signs are prohibited in all zoning districts, unless expressly permitted in this Section.

- i. Any sign not expressly allowed by this Section.
- ii. Abandoned signs, which shall be removed within thirty (30) days of the cessation of the business, use or activity.
- iii. Gas or air filled balloons intended to draw attention to a business or other commercial activity.
- iv. A sign that contains an intermittent or sequential flashing light source used to attract attention to a business or other commercial activity. This does not include electronic changeable copy signs that are otherwise expressly permitted in this Section.
- v. A rotating or moving sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
- vi. Vehicle signs not used during the normal course of a lawful business that are parked or located for the primary purpose of displaying the advertising copy.
- vii. Festoons, pennants, nongovernmental flags, banners, inflatable figures, and streamers, except as expressly permitted in this Section.
- viii. Snipe signs.
- ix. Signs imitating or resembling official traffic or governmental signs.
- x. Portable freestanding signs, except where expressly permitted in this Section.
- xi. Any sign that obstructs free access to or egress from a required door, window, fire escape or other required exit from a building or structure.
- xii. Any sign which makes use of the words "Stop", "Look", or "Danger" or any other words, phrase, symbol or characters in such a manner as to interfere with, mislead or confuse drivers.
- xiii. Roof signs.

- xiv. Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings which are not larger than ½ (one half) square foot.
  - xv. Business logos or other advertisements on directional signs.
  - xvi. Off-premise signs, unless expressly permitted in this Section.
  - xvii. Animated signs.
4. Permit: Unless otherwise provided by this Ordinance, no sign shall be installed or utilized unless and until the Village has issued a zoning permit for the sign.
5. General Setbacks: Unless a different setback is specified for a particular sign elsewhere in this Article, all signs must be setback at least fifteen (15) feet from a road right-of-way (including any private easement) and twenty (20) feet from all other property boundaries.
6. Landscaping: The base portion of a freestanding sign shall be landscaped with low maintenance plants. Such landscaping may be placed in stone, masonry or treated wood bases or containers to achieve a pleasant aesthetic arrangement. Such landscaping shall be reasonably maintained at all times.
7. Traffic Hazards: No sign may be constructed, erected, displayed, maintained, reconstructed or located so that it creates a hazard for vehicle or pedestrian traffic. If the St. Joseph County Road Commission, MDOT or the Village determines that any sign is a traffic hazard, the Village shall notify the owner to remove the sign. In determining whether a sign is a traffic hazard, the Village may consider, but is not limited to, the following:
- i. Height, area, supporting structure and distance from ground level of the sign.
  - ii. Lighting of the sign.
  - iii. Location of the sign in relation to roads.
  - iv. Drives, points of ingress and egress, parking areas, sidewalks, and other vehicular and/or pedestrian access ways.

- v. Location of the sign in relation to nearby buildings and structures.
  - vi. If the sign, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or be distracting to motorists.
8. Maintenance. All signs shall be properly maintained in good condition and reasonable repair at all times. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts must be replaced in a timely fashion. Any sign that becomes dilapidated or damaged shall either be promptly removed or repaired to a reasonable condition. The Building Inspector has the right to order the repair or removal of any sign that is unsafe as defined by the Michigan Building Code (or its successor code), dilapidated, decrepit or damaged. No sign shall be installed, displayed or maintained on a property, structure or fixture of another person or entity without the express permission of the owner of such property, structure or fixture.
9. Measurements and Illumination:
- A. Display area. The display area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the writing, representation, emblem, logo or other figure of similar character, together wither any frame or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, pole or other structure necessary to support the sign, or architectural features.
  - B. Faces: The area of a freestanding or projecting sign that has two (2) such faces are placed back to back and are of equal size and are no more than forty eight (48) inches apart on average, then the area of the two (2) back to back faces shall be counted as one (1) face. If the two (2) back to back faces are of unequal size, the larger of the two (2) faces shall be counted as the one (1) face. As used here, back to back means signs that face in opposite directions and are parallel or form an angle no greater than thirty (30) degrees.

- C. General Height: The height of a sign shall be measured as the vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the normally undisturbed surface grade beneath the sign, whichever ground elevation is less.
- D. Sign Characteristics. Except for billboards (which regulations are contained elsewhere within this Article), permitted characteristics of signs shall be based on the following table, where N=Not Permitted and P=Permitted.

**Zoning Districts**

Characteristics	R-1	R-2	R-3	C-1	C-2	I	GCLI
Internal Illumination	N	N	N	P	P	P	P
External Illumination	N	N	N	P	P	P	P
Manual Changeable Copy	N	N	N	P	P	P	P
Electronic Changeable Copy	N	N	N	P	P	P	P
Neon	N	N	N	P	P	P	P

- E. Illumination
1. There shall be no flashing, moving or intermittent illumination of any sign.
  2. If permitted, signs may be illuminated only by continuous indirect white light. Only the sign face shall be illuminated.
  3. Any sign lighting must be enclosed and so directed as to prevent the source of light from shining directly or indirectly onto traffic or nearby properties.
- F. Portable Freestanding Signs. Portable freestanding sign are permitted in any zoning district, subject to the following regulations and requirements:
1. Portable freestanding signs shall not be used for more than forty two (42) days out of any calendar year for a specific lot or parcel. For lots or parcels with multi-tenant commercial buildings, each lawful business in the multi-tenant building can utilize any one (1) portable freestanding



sign for not more than forty two (42) days out of any calendar year.

2. Portable freestanding signs may be displayed, used installed or erected pursuant to a permit issued by the Zoning Administrator. No portable freestanding sign shall be displayed, used, installed or erected prior to the issuance of a permit by the Zoning Administrator. Each permit shall be valid for seven (7) days. There shall be at least fourteen (14) consecutive days between the issuing of a permit for a specific lot or parcel or for a specific business in a multi-tenant building. The permit shall identify the period during which the permit is valid. A fee, as established by the Village Council, shall be required before a permit may be issued. The Zoning Administrator shall have discretion to require an applicant to post a guarantee (irrevocable letter of credit or cash deposit) with the Village to ensure compliance with the requirements of this Ordinance. The Zoning Administrator may attach reasonable conditions to the permit, which conditions shall be based upon the Village's intent to insure public health, safety and welfare with regards to the impacts and effects of any portable freestanding sign.
3. Portable freestanding signs shall not be used in parking, driveway or access areas and/or in a manner which obstructs the vision of motorists or pedestrians using the parking aisles, traffic of movement through a parking lot.
4. Portable freestanding signs shall not obstruct any public or private sidewalk.
5. Portable freestanding signs shall not be illuminate in any fashion.
6. Portable freestanding signs shall be anchored in a safe and secure manner. The anchoring of portable freestanding signs by tying or attaching weight objects (such as cinder blocks) is prohibited.
7. No portable freestanding sign shall exceed thirty two (32) square feet in area on each sign face.
8. No portable freestanding sign copy shall be comprised of more than two (2) colors.

9. Portable freestanding signs shall be located a minimum of twenty (20) feet from the edge of any road or street right-of-way, including a private road right-of-way or easement.
10. No more than one (1) portable freestanding sign shall be allowed on a lot or parcel at one time. For lots or parcels with multi-tenant buildings, no more than one (1) portable freestanding sign shall be allowed at one time for any particular tenant or business and no more than two (2) portable freestanding signs shall be allowed at one time on the lot or parcel involved.
11. There shall be a minimum of one hundred (100) feet separation distance between portable freestanding signs.
12. Except during the time period specified in the permit issued by the Zoning Administrator for a portable freestanding sign, no portable freestanding sign shall be stored or kept outdoors on the lot or parcel involved and shall not be visible on any such lot or parcel. This Section shall not be applicable to a lawful business that sells or leases portable freestanding signs, so long as those signs are not being used on the lot or parcel of said business for the purpose of off-premise advertising.
13. When in use, every portable freestanding sign shall be kept in good maintenance and reasonable repair.
14. The service, product, sale or event being advertised must be lawful in order for a portable freestanding sign to be used.

G. Signs permitted in the “R-1”, “R-2”, “R-3” Zoning Districts

In addition to the signs permitted elsewhere in this Article, signs are permitted in the “R-1”, “R-2”, “R-3” Zoning Districts in accordance with the following table (but sign is so allowed only where the sale, business or event being advertised is lawful in the applicable zoning district).

Permitted Signs	Development Standards			
	Maximum Size	Number Allowed	Maximum Height	Other Requirements
R-1, R-2, R-3				
Off-Premise Directional Sign	32 square feet	1 per lot or parcel	4 feet	
Ground or Monument Sign	48 square feet	1 per each street frontage	6 feet	
Wall or Building Sign	32 square feet	1 per each street frontage	N/A	
Subdivision or Condo Development Sign	24 square feet	2 per development	6 feet	Must be located at entrance
Mobile Home Park Identification Sign	24 square feet	2 per development	6 feet	Must be located at entrance
Home Occupation Sign	6 square feet	1 per dwelling unit	8 feet	
Subdivision or Site Condo Advertising Sign	64 square feet	2 per development	8 feet	Removed when 75% of lots/units have been sold or have buildings on them
Real Estate Sign	6 square feet	1 per lot	3 feet	

H. Signs permitted in the “C-1”, “C-2”, “I”, “GCLI” Zoning Districts.

In addition to the sign permitted elsewhere in this Article, signs are permitted in the “C-1”, “C-2”, “I”, “GCLI” Zoning Districts in accordance with the following table (but such a sign is so allowed only where the sale, business or event being advertised is lawful in the applicable zoning district).

Permitted Signs	C-1	C-2	I	GCLI	Other Requirements
<b>Freestanding Pole or Pylon Sign</b>					
Permitted	Yes	Yes	Yes	Yes	Not permitted if a freestanding ground or monument sign in on the same lot
Maximum Height	15 feet	25 feet	25 feet	15 feet	
Maximum Display Area	32 square feet	64square feet	64 square feet	32 square feet	
Maximum Number	1 per lot	1 per lot	1 per lot	1 per lot	
<b>Freestanding Ground or Monument Sign</b>					
Permitted	Yes	Yes	Yes	Yes	Not permitted if a freestanding ground or monument sign is on the same lot
Maximum Height	8 feet	8 feet	8 feet	8 feet	
Maximum Display Area	64 square feet	64 square feet	64 square feet	64 square feet	
Maximum Number	1 per lot				
<b>Wall or Building Sign</b>					
Permitted	Yes	Yes	Yes	Yes	Signs must be located on a wall facing a street or parking lot
Maximum Display Area	32 square feet	64 square feet	64 square feet	32 square feet	
Maximum Number	1 per business, per each side of a building facing a street or parking area				
<b>Directory Sign</b>					
Maximum Display Area	20 square feet				

E. **Billboards.**

1. Billboards are only permitted within one hundred (100) feet of a state or federal highway and within the “I” Zoning District. The lot on which the billboard is located must abut and have frontage on a state or federal highway right-of-way.
2. All billboards shall receive prior approval of the State of Michigan, pursuant to the Highway Advertising Act and other applicable regulations, as may be amended, prior to applying to the Village of White Pigeon for approval.
3. If a billboard qualifies for zoning approval as stated in subsection 1 above, a zoning permit is required prior to the erection or erection or alteration of the billboard. In addition, a zoning permit is required before any existing billboard is rebuilt, structurally altered, or materially changed (but no zoning permit is required simply to change the copy or depictions on the billboard). The application for the zoning permit must contain the following:
  - a. A colored rendering of the proposed billboard containing the proposed dimensions.
  - b. A site plan indicating the location of the proposed billboard and the appropriate setback information.
  - c. Information on how the billboard will be illuminated, if applicable.
4. Double faced billboard structures and V-type billboard structures shall be considered as one (1) billboard, but with multiple faces. No billboard shall contain more than one (1) sign panel facing the same direction of traffic on any highway.
5. The area of a sign panel on a billboard shall not exceed six hundred seventy two (672) square feet.
6. The height of a billboard shall not exceed forty five (45) feet. The height of a billboard shall be measured as the vertical distance measured from the highest point of the billboard, including any decorative embellishment, to the grade of the highway or the surface grade beneath the sign, whichever ground elevation is lower.
7. No billboard shall be located within three hundred (300) feet of an existing dwelling. No digital billboard shall be located within seven hundred fifty (750) feet of an existing dwelling. For the purposes of this subsection, the distance between a billboard and

an existing dwelling shall be measured as a straight line between the billboard and the existing dwelling.

8. No billboard shall be located closer than fifty (50) feet to any property line, except for those property lines that abut a state or federal highway, where no billboard shall be located closer than ten (10) feet from the state or federal highway right-of-way, as measured from the closest point or edge of the billboard.
9. All billboards must be constructed with a monopole-type support structure.
10. Except as otherwise provided in this Section, a billboard may be illuminated, provided that such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises. No billboard shall have one (1) or more flashing, strobing, intermittent, moving, rotating, or oscillating lights or images.
11. The slat, panel, or blade twirl time of a tri-vision billboard shall be two (2) seconds or less and the blade dwell time (i.e. stationary and able to read) shall be eight (8) seconds or more.
12. Digital billboards are allowed if the digital or “electronic changeable copy” portion of the billboard and the billboard itself, meet all of the following additional standards:
  - a. No digital billboard shall be located within four thousand (4,000) feet of another digital billboard. For the purposes of this subsection, the distance between digital billboards shall be measured as the distance between the points at which lines drawn perpendicular to the highway from the location of each billboard intersect with a line along the center of the highway
  - b. There shall be no movie or television-style pictures or depictions.
  - c. No design shall have a white background in order to reduce glare.
  - d. The rate of change between two (2) static messages shall be one (1) second or less.

- e. There shall be a minimum of eight (8) seconds between copy changes.
  - f. The face of the sign shall be dimmed automatically from thirty (30) minutes before sunset to thirty (30) minutes before sunrise down to five (5) percent of its daylight brightness setting.
  - g. The maximum brightness levels for digital billboards shall not exceed two tenths (0.2) foot-candles over ambient light levels measured at a distance of one hundred fifty (150) feet from the face of the sign.
    - i. The owner(s) of a digital billboard must reasonably coordinate with relevant public agencies to allow for the display of real-time emergency information such as Amber Alerts or natural disaster directives.
    - ii. The digital billboard will not distract, endanger, or disorient motorists.
    - iii. The digital billboard will not cause glare onto, or illumination of, any adjoining properties.
13. The following modifications to existing billboards shall not occur except in full compliance with this Ordinance:
- a. Changing or altering a billboard to provide for Electronic Changeable Copy of a different type or manner of Electronic Changeable Copy.
  - b. Changing or altering a billboard to become a Digital Billboard.
14. The setback requirements of this Section shall apply regardless of jurisdictional or governmental boundaries.

F. **Accessory Use - Swimming Pools**: It shall be unlawful to construct a swimming pool within the Village of White Pigeon unless the required permits shall have been first obtained from the Building Inspector. In applying for permits, plans showing size and cost is required before issuing the Preliminary Zoning, Building and Electrical Permits.

- 1. **Definition**. Swimming Pool as used herein is any artificially constructed area, either above or below ground, capable of containing water and of being used for swimming, wading or bathing, having a water depth of eighteen (18) inches or more at

any point, and a water surface area of not less than twenty-six (26) square feet, and shall be considered a "building" or "structure" for the purpose of this Ordinance.

2. Setback. Swimming pools shall conform to setbacks as required for accessory structures as set forth in Section 250.1501.
3. Construction and Safety Precautions: During the period in which a swimming pool is being constructed, the swimming pool shall be enclosed by a temporary fence, and until such time as the permanent fence is installed, which is not to exceed 30 days from start of construction.
4. Fencing: Except as otherwise provided for in this Section, every swimming pool shall be enclosed by a fence which shall be:
  - a. Permanent
  - b. Of solid or vertical wood piece construction, or chain link fence with mesh not exceeding 2-1/4 inches, not readily climbable by children.
  - c. At least (4) four feet but not more than (8) eight feet above the highest point of the terrain.
  - d. The side of a building at least four (4') feet in height may serve as part of an enclosure of a swimming pool in lieu of such fence.
  - e. At least three (3') feet from each side of the swimming pool.
  - f. Of such construction as to be approved by Building Inspector.
  - g. All above ground swimming pools with wooden decking, privacy fence on top of the pool and entrance ladder that portion of decking the ladder is attached to shall be enclosed by four (4) foot wide wire fence with a mesh of 2" x 4" (maximum required) using either steel or wooden posts and having a self-closing gate and a safety latch to secure the gate upon closing.
  - h. All other above ground pools without decking and privacy fence shall be enclosed with four (4) foot wire fencing with a mesh of 2" x 4" (maximum required) using either



wooden or steel posts and a self-closing gate and a safety latch to secure the gate on closing.

5. Water Supply: Pool construction shall be that:

- a. Swimming pools shall be provided with a potable water supply.
- b. The water supply to the pool shall be protected against back flow of water means of a fixed air gap of six (6) inches or more above the highest possible level, or by an approved vacuum breaker installed in the approved manner. All pipes shall be located so as to prevent hazards to bathers.
- c. Provisions shall be such that all scum, splash and deck water shall not return to the pool except through an adequate recirculation and filtering system.

6. Electrical:

- a. All electrical wiring used on, in or about the premises upon which the pool is located shall conform with the State Electrical Code, (NEC 2002 edition as adopted and promulgated by the Michigan Department of Consumer and Industry Services to be known and cited as the “Michigan Electrical Code” in accordance with 408.30801, as amended). All metal parts shall constitute a continuous ground, terminating at the main distribution panel ground.
- b. All lighting shall be so shielded, arranged and operated so as to prevent annoyance to neighboring premises.

G. Communication and Other Towers

- 1. Intent To Provide for Wireless Communication Services. It is the intent of this ordinance to allow communication and other similar towers to serve the ever changing technology in the field of personal and business communications for wireless communications as defined in the Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed. The term tower shall include all communication towers, other antenna support structures,

antennas, buildings/facilities and any similar structures necessary for the provision of wireless communication services.

2. Policy of Collocation of Antenna and Antenna Arrays on Existing Structures. It is the policy of the Village to encourage the collocation of antenna and antenna arrays on existing structures including existing water towers, communications towers before consideration for the location of any new tower. Location of an antenna /antenna array and related equipment shall be permitted as a special use pursuant to the provisions of this ordinance. A proposal for the location of a new tower or communication structure for the purpose of collocation of wireless communication antenna/antenna arrays and which meets the locational requirements and construction standards set forth in paragraph 4, below, may be permitted as a special use issued by the Planning Commission as prescribed in the following subsections.
  
3. Restriction Upon the Location of New Towers Unless Standards Are Met. It is a policy of the Village to prohibit the location of any additional towers or other communication support structures within Village limits unless the applicant can demonstrate to the reasonable satisfaction of the Planning Commission and the Village Council that the following conditions exist and the location of the proposed tower or other communication support structure meets the locational requirements and construction standards as set forth in paragraph 4, below:
  - a. There is no existing tower or other communication support structure located within the Village limits for which the applicant's proposed antenna or antenna array can be attached which meets the applicant's engineering requirements.
  - b. There is no existing tower or other support structure located within the Village having sufficient height to meet the applicant's engineering requirements.
  - c. There is no existing tower or other support structure located within the Village having sufficient structural strength to support the applicant's proposed antenna or antenna array.
  
4. Location Requirements, Construction Standards and Other Conditions. All newly constructed towers, communication support structures and any related equipment shall conform to the following locational requirements, construction standards and other conditions as follows:

- a. Towers shall be allowed as a special use only, in all zoning districts, except residential districts.
- b. The minimum lot size, frontage and configuration will be as approved by the planning commission during review and approval of the special use request. Such a leased parcel shall be exempt from lot size requirements for the zone.
- c. The base of the tower or other communication structure shall be of the self-supporting pole type and not be of the construction which require cable support of any type.
- d. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Village Engineer that the structural integrity of the tower will withstand the maximum high wind velocity for the area, as reported by a nationally recognized weather service or Building Code specifications, and associated impacts, and the likelihood of a tower failure is minimal.
- e. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than forty (40) feet.
- f. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- g. All other requirements of the zoning district in which the tower is located shall be enforced.
- h. Security to prevent unauthorized access shall be provided for all fence and building enclosures. A written agreement with the Fire Department concerning access for fire safety shall be provided to the Village before prior approval of the special use.
- i. Engineering plans and specification for the tower, prepared by a State of Michigan Registered Engineer specializing in structural engineering, shall be provided with the application for the special use.
- j. Engineering plans and specifications for the tower mounting foundation and the foundation for any structure shall be prepared by a State of Michigan Registered

Engineer. These shall accompany the application for the special use. Engineering plans shall include soil boring information for the site of the tower mounting foundation and any other foundation in excess of four (4) feet in depth. Soil conditions must be determined suitable for the tower mount foundation by the Village Engineer.

- k. The applicant shall provide inspection and verification that the installation of the tower, mount and foundation have been installed in compliance with the plans and specification and all applicable codes and standards. Inspections and verification procedures shall be subject to approval of the Building Inspector.
- l. All towers shall meet the standards of the Federal Aviation Administration, Federal Communications Commission and any other applicable regulatory State of Michigan or Federal agency.
- m. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public or private airport or helipad.
- n. No part of any tower shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the tower will be located. In no case shall a tower be located within forty (40) feet of a property line.
- o. Metal towers shall be constructed of, or treated with, corrosive resistant material acceptable to the Village.
- p. Towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- q. All attachments to any tower shall be designed to withstand a the maximum uniform wind loading as prescribed in the Building Code.
- r. All signals and remote control conductors extending substantially horizontally above the ground between the tower and a structure, or between towers, shall be at least

eight (8) feet above the ground at all points, unless buried underground.

- s. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant, including fire safety equipment.
- t. The base of the tower shall occupy no more than five hundred (500) square feet of area.
- u. Minimum spacing between tower locations shall be one-half (½) mile in order to prevent a concentration of towers in one area.
- v. Height of the tower shall not exceed three hundred (300) feet and no tower located within five hundred (500) feet of any residential area shall exceed one hundred seventy five (175) feet in height from grade.
- w. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- x. Existing on-site vegetation shall be preserved to the maximum extent possible.
- y. There shall not be displayed advertising or identification of any kind intended to be visible from the ground mounted on the tower or other structures, except for emergency purposes.
- z. Any attachments to the tower shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the tower as determined by the Building Inspector.
- aa. All structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the tower shall be made to conform to the extent required by such standards or the special use approval will be subject to revocation by the Village Council. Costs for testing and verification of compliance shall be borne by the owner of the tower.
- bb. There shall be no employees located on the site on a permanent basis to service or maintain the tower or

attachments, unless specifically approved as part of the special use approval. Occasional or temporary repair and service activities are excluded from this restriction.

- cc. All parking and drive areas must be paved with material meeting the standards of the Village.
  
- dd. At the discretion of the planning commission, a six-foot tall obscuring screen of evergreens and shrubs shall be established to screen the tower base and associated accessory buildings from any residential district or public property located within (500) five hundred feet of the tower. Further, at the discretion of the planning commission, the base and screening may be required near the road frontage or the property line.
  - i. The tower shall be removed by the property owner or property lessee within six months of being abandoned. Notice of the abandonment of the tower shall be provided to the Village ninety days prior to abandonment.
  - ii. The applicant shall incur all cost associated with the Village review of the application for the special use.

H. **Non-Commercial Antennas and Satellite Receiving Stations.**

Antenna and satellite receiving stations, when not utilized for commercial broadcasting, are permitted as accessory uses in all zoning districts.

I. **Group Homes and Adult Foster Care Facilities**

- 1. Applicability- The following regulations shall apply to group homes and adult foster care facilities:
  - a. Group homes and adult foster care facilities shall be allowed in the various zoning districts hereafter shown as permitted uses for facilities for not more than six (6) adult foster care residents, and for facilities for more than six (6) residents as a special use approval to be granted in writing by the Planning Commission. Operators of any facility must present to the Zoning Administrator the License where applicable from the Michigan Department of

Independent Family Living and/or Michigan Department of Public Health or any other regulating agency and any such facility shall not operate until the Zoning Administrator, the Fire Chief, and the St. Joseph County Health Department have inspected the premises and given their written approval.

- b. The Planning Commission may grant special approval for a group home or adult foster care facilities only if that facility contains the minimum square footage per building or structure for the zoning district in which it is located and, in addition thereto, if the building or structure has, or will provide for each resident over six (6) residents a total of 150 square feet for recreational, dining areas, or usable floor space as a bedroom. Usable floor space is defined as that floor space under a ceiling which is at least seven (7) feet six (6) inches in height.
  - c. The Planning Commission may grant special approval for a group home or adult foster care facility only if the lot area of real estate upon which the facility is to be located meets the requirements for minimum lot width and area for the zoning district within which the facility is located and, in addition thereto, has minimum of three hundred (300) square feet for each resident over the number of six (6) residents.
2. R-1, R-2 Residential District, Special Land Use- An adult foster care facility providing care for one (1) to six (6) adult foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any adult foster care facility which is within a 1,500 foot radius of another previously approved or existing foster care facility.
3. R-3 Residential District Special Land Use- The following regulations shall apply to group homes and adult foster care facilities in the R-3 Residential District:
- a. Group homes providing care for one (1) to twelve (12) residents and adult foster care facility providing care for seven (7) to twelve (12) adult foster care residents. No more than one (1) care facility in any one structure or

building or on any one parcel land, or joined parcels of land, is allowed, nor is any facility which is within a two thousand (2,000) foot radius of another previously approved or existing facility.

- b. For a facility providing care for thirteen (13) to twenty (20) residents. No more than one (1) facility is permitted in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any facility which is within a three thousand (3,000) foot radius of another previously approved or existing facility.

4. C-1 Commercial District, Special Land Use. The following regulations shall apply to group homes and adult foster care facilities in the C-1 Districts:

- a. A group home having one (1) or up to (12) residents or adult foster care facility providing care for seven (7) to twelve (12) residents. No more than one (1) facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any facility which is within a one thousand five hundred (1,500) foot radius of another previously approved or existing facility.
- b. A facility providing care for thirteen (13) to twenty (20) residents. No more than one (1) facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any facility which is within a two thousand (2,000) foot radius of another previously approved or existing facility.
- c. A facility known as ‘congregate facility’ providing care for more than twenty (20) residents, with the condition that each living unit shall not exceed twenty (20) individuals, and requiring functional grouping of residents. No more than one (1) facility in any one structure or building or on any one parcel of land, or joined parcel or land, is allowed nor is any facility which is within a three thousand (3,000) foot radius of another previously approved or existing foster facility.



J. **Adult Entertainment Facilities.** This Section has been adopted to regulate certain uses which, because of their nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential zone, church or house of religious worship, school, park, and/or a playground or public recreational area, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls contained within the Ordinance are for the purpose of preventing a concentration of these uses within any one area, and to prevent provision to the contrary, the following regulated uses are permitted only in the “C-2” General Commercial District as Special Land Uses under the procedures and general standards of Articles XVIII, XXI and subject further to the following controls:

1. Activities:

- a. Adult bookstore or adult video or videocassette store: An establishment having more than ten (10) percent of its stock in trade books, magazines, other periodicals, and/or video cassettes, videodiscs, or videotapes for sale, rent, or viewing which are distinguished or characterized by the emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
- b. Adult cabaret: An establishment including, but not limited to, cafes, restaurants, or bars where patrons are entertained by live performances featuring go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers where said performances depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as defined herein.
- c. Adult mini motion picture theater: An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined therein.
- d. Adult motion picture theater: Any establishment used for presenting material, including, but not limited to , live performances as defined in Article II, motion pictures, slides or similar photographs or laser reproductions, shown on a regular basis which are distinguished or characterized by an emphasis on matter depicting, describing, or relating

- to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons
- e. Adult personal service business: Any commercial business or private business having as a principal activity a person, while nude, providing personal services for another person on an individual basis. Such a business includes, but is not limited to, the following activities and services:
    - i. Modeling studios
    - ii. Body painting studios.
    - iii. Wrestling studios.
    - iv. Individual theatrical performances or dance performances.
    - v. Barber shops or hair salons.
    - vi. Car washes.
    - vii. Convenience stores or other commercial business establishments where food or goods are sold.
    - viii. Massage parlors.
    - ix. Tattoo parlors.
  - f. Adult smoking or sexual paraphernalia store: An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances.
  - g. Host or hostess establishment: Establishments or clubs offering socialization with a host or hostess for consideration to the host or hostess, or for an admission or membership fee.
  - h. Massage establishment: An establishment having a fixed place of business where health clubs, health spas, sauna baths, and steam baths. This definition shall not be construed to include any hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan; a certified masseuse holding a Michigan Certification; or barber shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
2. Definitions: In reference to the above activities the following definitions shall apply:
- a. Specified anatomical areas:

- i. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.
      - ii. Human male genitals in a discernable turgid state, even if completely and opaquely covered.
    - b. Specified sexual activities:
      - i. Human genitals in a state of sexual stimulation or arousal.
      - ii. Acts of human masturbation, sexual intercourse, or sodomy.
      - iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
3. Restrictions and Waiver: No use or activity listed in Section 250.1502J shall be:
- a. Located within 1,000 foot radius of any residence, church or house of religious worship, school, park, playground or public recreational area unless a petition requesting waiver of this requirement is received and verified by the Village Clerk, signed by fifty one (51) percent of those adult persons residing within or owning property within a one thousand (1,000) foot radius of the proposed location, in which case the Planning Commission may waive this requirement.
  - b. Located within 1,000 foot radius of any other such regulated use except that such restriction may be waived by the Planning Commission if the following findings are made:
    - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties and the spirit and intent of this Ordinance is observed.
    - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area or its immediate surroundings.
    - iii. That all applicable state laws and local ordinances will be observed.
4. Design standards: All building openings, entries, windows, and doorways for adult bookstores, adult motion picture theaters, and massage establishments shall be located, covered or screened in

such a manner as to prevent a view into the interior from any public area.

5. Conditions and Limitations:

- a. Prior to the granting of any waiver as provided in Section 250.1502J subsection 2 above, the Planning Commission may impose any such conditions or limitations upon the establishments, location, construction, maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- b. The Planning Commission shall have the authority to impose additional conditions and restrictions for a particular use where it deems it necessary to protect adjoining property, the traveling public, and the health, safety and welfare of the area.

6. Limit on Reapplication: No application for a regulated use which has been wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except upon the grounds of new evidence not previously available or proof of changed condition use.

K. Approval for and Availability of Essential Services.

All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval.

Non-availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full compliance with the jurisdiction's standards for such service, and shall be subject to review, permit, and inspection as required by other policies or ordinances of the jurisdiction.

L. **Air, Water, Waste, Light and Noise Pollution.**

No residential or business operation or activity shall discharge, or cause to be discharged, air, liquid or solid waste or storm waters in violation of state and federal law and regulation. No residential or business operation or activity shall cause any site lighting to emanate beyond the boundary of the zoning lot. No residential or business operation or activity shall cause any discernible sound to emanate beyond the boundary of the zoning lot during the period of sunset to 7:00 a.m.

M. **Open Space Preservation.**

For property owners wishing to provide for an open space requirement, the planning commission shall review a site plan pursuant to and issue a special land use permit pursuant to Article XIII regarding Special Land Use Permits. At the option of the landowner, all lands zoned for residential development may be developed with the same number of dwelling units on a portion of the land but not more than 50% as determined by the village if the land is zoned at a density equivalent to two or fewer dwelling units per acre or if it is served by a public sewer system three or fewer dwelling units per acre and the land area of not less than 50% shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Further, provided the development does not depend upon the extension of a public sewer or public water supply system unless a development without the exercise of the option provided in this section would also depend on such an extension and the option provided has not been previously exercised with respect to the subject property.

M. **Floodplain (Overlay) District.**

1. **Intent.** It is the intent of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Village of White Pigeon, and to comply with the provisions of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of the program by the Federal Emergency Management Agency. The specific intent in establishing this overlay district is:
  - a. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;

- b. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods, commercial and industrial areas;
- c. The prevention of private and public economic loss and social disruption as a result of flood conditions;
- d. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
- e. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and
- f. To preserve the ability of floodplains to carry and discharge a 110-year (base) flood.

2. Delineation of Flood Hazard (Overlay) Zoning District

- a. Boundary Designated on Zoning Map. The flood hazard area shall overlay existing zoning districts delineated on the *Official Zoning Map* of the Village of White Pigeon. The boundaries of the flood hazard zone shall coincide with the boundaries of the area of special flood hazard (Zone A), designated on the Flood Insurance Rate Map and Flood Hazard Boundary Map for the Village of White Pigeon when published by the Federal Emergency Quality Administration. In the interim period until these maps area issued, the floodplain shall be defined by the U.S.G.S. topographic survey subject to revision by the Michigan Department of Environmental Quality.
- b. Final Determination of Flood Hazard Boundary Line It shall be the responsibility of any property owner or any other person with a dispute as to the exact location of the flood hazard area zone boundary on a specific property to determine the exact location of the boundary through application for a determination of a flood hazard boundary with the Michigan Department of Environmental Quality.
- c. Suspension of Village Action Until Final Determination is Made. The Village shall suspend and hold in abeyance the processing of any application for zoning or building permit until a final determination is made by the Michigan

Department of Environmental Quality and such documentation is filed with the Zoning Administrator.

- d. Application of Other Laws and Requirements. In addition to other requirements of this Ordinance, applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all developments occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this Ordinance or any other State or Federal law or regulation shall be resolved in favor of the most stringent requirements and the most stringent regulation shall apply.
3. MDEQ Permit Required Prior to Issuance of Village Building Permit. Development, including the erection of structures of any type within a flood hazard area shall not occur except upon issuance of a building permit in accordance with the requirements of this Ordinance and the Village Building Code and only upon presentation of a permit issued by the Michigan Department of Environmental Quality (MDEQ).
    - a. Applicable Standards. All construction shall meet the following standards:
      - i. The requirement of this Section;
      - ii. The requirements of the underlying zoning districts and applicable general and special provision of this Ordinance; and
      - iii. All applicable state and federal laws and regulations.
    - b. Certificate of Compliance. Compliance with the standards of this Section shall be certified by a Michigan Licensed Professional Civil Engineer of which a copy of said certification shall be furnished to the Zoning Administrator prior to the issuance of a building permit.
    - c. Construction Standards. Any new construction and any alteration to existing building, structures and infrastructure connections servicing any building and structure shall conform to the following standards:

- i. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
  - ii. Be constructed with materials and utility equipment resistant to flood damage;
  - iii. Be constructed by methods and practices that minimize flood damage;
  - iv. New and replacement water and sewer systems shall minimize or eliminate infiltration of flood waters into the system and on-site waste disposal systems shall be located to avoid impairment to the system due to flooding;
  - v. The flood carrying capacity of any water course of floodway shall be maintained unless such construction is permitted by the Michigan Department of Environmental Quality subject to adequate volume compensation as required by the Michigan Department of Environmental Quality.
  - vi. The first habitable floor (including basements) is no less than one (1) foot higher than the based flood elevation as determined by the Michigan Department of Environmental Quality.
4. Land Division Requirements. Land shall not be divided in any manner by any means creating lot or parcel which cannot be used in conformance with the requirements of this Section.
5. Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study as administered by the Michigan Department of Environmental Quality. Flood heights may increase by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Section shall not be considered a guarantee or warranty of the safety from flood damage.

This Ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This Ordinance does not create liability on the part of the Village of White Pigeon or any officer or employee thereof for any flood damage which



results from reliance on this Ordinance or any administrative decision lawfully made there under.

**N. Home Occupations.**

A home occupation as defined in Article II may be permitted in the R-1, R-2, R-3 Districts and in any Planned Unit Development where single family dwellings are a permitted principal use as special land uses subject to the minimum conditions of this section and the provisions and general standards of Article XIV.

1. A home occupation shall be conducted entirely within a residential dwelling and the space that is devoted to the occupation cannot exceed three hundred (300) square feet in area. No retail sales shall be allowed other than the incidental sale of items related to the permissible services being performed.
2. Allowable home occupations may include the following and substantially similar type of operations:
  - a. Architecture, engineering and interior design.
  - b. Beauty salons and barber shops.
  - c. Secretarial services, bookkeeping, accounting and financial planning.
  - d. Computer programming and software development.
  - e. Consulting and counseling services, private tutoring.
  - f. Drafting and illustration services.
  - g. Dressmaking, sewing and tailoring.
  - h. Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making.
  - i. Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs.
  - j. Office attorneys, insurance underwriters, members of clergy.
  - k. Office of building contractor or building trades persons.
  - l. Office of a sales person, sales representative or manufacturer's representative.
  - m. Photographic services, taxidermy, painting, sculpturing and writing.
  - n. Television computer and other small appliance repair.
  - o. Telephone answering service and telephone solicitation work.
  - p. Travel agent and booking service.
  - q. Watch repair, gun repair service.

3. Minimum Conditions for Home Occupations. The following minimum conditions shall apply to all home occupations:
- a. It shall be carried out only by the residents of the dwelling and not more than one other person.
  - b. The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes and the appearance of the structures shall not be altered. The occupation must not be conducted in a manner that will cause the premise to take on a non-residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light.
  - c. There shall be no overt marketing of goods, merchandise or supplies on site. Orders that have been previously made by computer, telephone or at a sales event off the premises may, however, be filled on the premises.
  - d. No storage or display shall be visible from outside the dwelling.
  - e. No combustible, toxic or hazardous material may be used or stored on the premises, except in full compliance with all federal, state and other governmental requirements.
  - f. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
  - g. Motor vehicle and pedestrian traffic generated by the home occupation shall in terms of volume, frequency or type or type of traffic, not found to be inconsistent with that which prevails within the zoning district in which the use is located.
  - h. There shall be adequate off-street parking spaces. On street parking or parking within the street right-of-way is prohibited.
  - i. Deliveries and shipments by commercial vehicles shall be on occasional or incidental basis.

ARTICLE XVI

250.1600 HEIGHT AND AREA EXCEPTIONS

250.1601 Height and Area.

*Section 16.1* Height and area requirements shall be subject to the following exceptions and regulations:

- A. Chimneys, towers, tanks, penthouses, storage facilities, necessary mechanical appurtenances, spires, belfries, cupolas, antennae, water tanks, ventilators not intended for human occupancy may be erected to their required height.(amended)
- B. 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 Fire Marshall where same are so placed as not to obstruct light ventilation.
- C. Reserved.

ARTICLE XVII

250.1700 ZONING BOARD OF APPEALS

250.1701 Appointment.

*Section 17.1*

A. Established Membership: A Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended. The Board shall consist of five (5) regular members who shall serve 3 year terms: one (1) of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission; one (1) of the regular or alternate members of the Zoning Board of Appeals may be a member of the Village Council. Such a member shall not serve as a chairperson of the Zoning Board of Appeals. Regular members of the Zoning Board of Appeals shall be selected by the Village President and approved by the Village Council from the electors residing in the incorporated areas of the Village. The term of office of the member of the Village Board shall not exceed the member's term of office on the Village Council. Members may be reappointed. No elected officer of the Village or any employee of the Village may serve simultaneously as such officer or employee as the third, fourth, or fifth member of the Zoning Board of Appeals.

B. Alternate Membership: The Village Council may appoint two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve in the absence of a regular member if the regular member is absent from or unable to attend two or more consecutive meetings or are absent from or be unable to attend meetings for a period of more than 30 consecutive days. In addition, should a regular member be involved in a case in which he or she must abstain, then the alternate may also serve and continue to serve until a final decision is made on that particular case.

250.1702 Procedure.

*Section 17.2*

A. Procedures of the Board: Every year after the Village President's Board appointments, the Zoning Board of Appeals (ZBA) shall elect a chair person and secretary for a term of one (1) year. A separate nomination, second and roll call shall be conducted for each board position.

This information shall be recorded in the ZBA minutes. The ZBA shall adopt rules and regulations to govern its procedures. The concurring vote of a majority of the members of the ZBA shall be necessary to revise any order, requirements, decisions or interpretation of the Zoning Administrator; or to decide in favor of an applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

B. Procedures for the Zoning Board of Appeals.

1. Appeals, who may take. Appeals may be taken to the zoning board of appeals by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. A person who brings an appeal must demonstrate to the Board how they are aggrieved and the Board shall make a finding as to whether the party is aggrieved or not before continuing the appeal procedure. The zoning board of appeals shall state the grounds of any determination made by the board.
2. Appeals, Stay of Proceedings. An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
3. Variance Request, hearing date set. Following receipt of a written request concerning a request for a variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as provided in section 250.1702.B.7.
4. Interpretation, procedures. Upon receipt of a written request seeking an interpretation of the zoning ordinance the zoning board of appeals shall set the matter for a hearing and shall give notice as provided in section 250.1702.B.6
5. Hearing, appearance. At the hearing, a party may appear in person or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
6. Notice of request for interpretation or appeal of administrative determination. For interpretations and appeals from an administrative determination made under this Ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person requesting the interpretation or appeal not less than 15 days before the hearing on the request. If the requested appeal of an administrative decision or interpretation request involves a specific parcel, written notice stating the nature of the request and the time, date, and place of the hearing on the request shall be sent by first-class mail or personal delivery to all

persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless of whether the property is located within the Village of White Pigeon. If a tenant's name is not known, the term "occupant" may be used.

7. Notice of variance request, requirements. The Zoning Board of Appeals shall provide notice of a variance request to the general public by publication of the hearing notice in a newspaper of general circulation within the village. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered; to all persons to whom real property is assessed within 300 feet of the property; and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
  - a. Describe the nature of the request.
  - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - c. State when and where the request will be considered.
  - d. Indicate when and where written comments will be received concerning the request.

250.1703 Duties and Powers.

*Section 17.3* The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide ONLY those matters which it is specifically authorized to hear and decide as provided herein; administrative review, variance and expansion of non-conforming buildings and structures.

The Zoning Board of Appeals shall not have the power to alter or change the Zoning district classification of any property, not make any changes in the terms or intent of this Ordinance, but does have power to act on those matters for which this Ordinance provides an administrative review, interpretation variance or exception.

A. Review: The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Officer.

B. Interpretation: The Zoning Board of Appeals shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
2. Determine the precise location of the boundary lines between Zoning districts when there is dissatisfaction with a decision made by the Zoning Officer.
3. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
4. Determine the parking space requirements of any use not specifically mentioned in Article XII either by classifying it with one of the groups listed in that Section by an analysis of the specific need.

C. The Zoning Board of Appeals shall have no authority to hear or act on applications or appeals for Special Land Uses (see Section 250.1302 of this Ordinance); nor shall it have the authority to hear or act on applications or appeals for Planned Unit Developments (See 250.1303.D. of this Ordinance.)

D. Variance: The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty. A variance shall not be granted by the Zoning Board of Appeals unless and until the following conditions are met:

1. A written application for a variance is submitted, demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and

which are not applicable to other lands, structures, or buildings in the same district.

- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - c. That the special conditions and circumstances do not result from the actions of the applicant.
  - d. That granting the variance requested 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.
2. Any non-conforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
  3. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
  4. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of land, building or structure.
  5. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
  6. In granting any 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 a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under ArticleXXI herein.
  7. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.



8. In exercising the above-mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.

E. Voiding of and Reapplication for Variance: The following provisions shall apply:

1. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  - a. The construction authorized by such variance or permit has proceeded to at least 50% of completion within one hundred and eighty (180) days after the granting of such variance and pursued diligently to completion.
2. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions presented to the Chairperson of the Zoning Board of Appeals to be valid. No fee shall be required if the request is presented at the next regular scheduled meeting of the Zoning Board of Appeals.

F. Appeals: How Taken:

1. Appeals to the Zoning Board of Appeals concerning interpretation and administration of this Ordinance may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Officer. Appeals shall be taken within a reasonable time, not to exceed ten (10) days following action by the Zoning Officer or Village Board, by filing with the Zoning Officer or Village Board, by filing with the Zoning Officer and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken.
2. A fee shall be paid to the Village Clerk, at the time of filing the notice of appeal and shall be deposited in the Village's general fund. The appeal fee shall be established by the Village Council.

- G. Duties on Matters of Appeal: All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Officer. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Officer. Recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law.

ARTICLE XVIII

250.1800 ADMINISTRATION

250.1801 Enforcement

*Section 18.1*

- A. Responsibility. The administration and enforcement of this Ordinance shall be the responsibility of the Village President. The President shall have the right to delegate said responsibility to appropriate Village officers, employees or their agents. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Officer.

250.1802 Interpretation.

*Section 18.2* 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 provisions 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, or regulations of the Village of White Pigeon, then the provisions of this Ordinance 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.(amended 12-21-05).

A. Certificates of Zoning Compliance.

A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary certificate of zoning compliance has been issued thereof. Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarge in its use or structure until a final certificate of zoning compliance shall have been issued therefore by the Zoning Officer. The certificate shall state that the

building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.

The Zoning Officer shall maintain a record of all certificates of zoning compliance and said record shall be open for public inspection. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under Article XXI herein.

It shall not be necessary for a legal non-conformity existing on the effective date of this Ordinance to obtain certificates of zoning compliance in order to maintain its legal, non-conforming status. However, no non-conforming building, structure, or use shall be renewed, changed, or extended until a preliminary certificate of zoning compliance shall have been issued by the Zoning Officer. The certificate shall state specifically wherein the non-conforming building, structure, or use differs from the provisions of this Ordinance.

The applicant for a final certificate of zoning compliance shall notify the Zoning Officer when final inspection is desired. The final certificate of zoning compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Officer is notified that the building, structure, or premises is ready for inspection.

- B. Certificates of Occupancy. No new principal building or dwelling may be occupied, inhabited or used until a Certificate of Occupancy has been issued. The Certificate of Occupancy shall state that the building or dwelling is in compliance with all applicable codes and ordinances.

250.1803 Deed restrictions.

*Section 18.3* 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 repealed in the manner provided by state law for the amendment of this Ordinance. (amend. of 12-21-05)

250.1804 Fees.

*Section 18.4* The Village Council shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be

posted on public display in the office of the Zoning Officer, and may be changed only by the Village Council. No certificates shall be issued unless such fees have been paid in full.(amended)

250.1805 Notices of Public Hearings.

*Section 18.5*

A. Hearing Notice Content.

Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such address currently exists within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  - a. Indicate the date, place and time of the hearing(s).
  - b. Indicate when and where written comments will be received concerning the request.

B. Recipients and means of notice. Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in A above.

1. To the general public, by publication of the hearing notice in a newspaper of general circulation in the Village.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the

occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in the Village of White Pigeon, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.

- a. Subsection 3 above shall not apply in the cases of rezoning requests involving eleven (11) or more adjacent properties, or for an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
4. In the case of a text amendment or zoning map amendment, to each electric, gas and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice of public hearing, by mail.
- C. Timing of Notice. Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered for approval, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations.
- D. Confirmation of Notices Made by Mail or Personal Delivery: Notice shall be deemed mailed by its deposit in the United States first-class mail, properly addressed and postage paid. The Village Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

## ARTICLE XIX

250.1900

### BOUNDARIES OF DISTRICTS

250.1901 Boundaries, uncertainty.

*Section 19.1* Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot liens;
- C. Boundaries indicated as approximately following Village limits shall be construed as following Village limits;
- D. Boundaries indicated as following railroad lines shall be construed to the midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extension of features indicated in subsections 1 through 5 above shall be so construed. Distance not specifically indicated on the Official Zoning Map.
7. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by sections A through F above, the Zoning Board of Appeals shall interpret the district boundaries.  
(amended)

## ARTICLE XX

### 250.2000 CHANGES AND AMENDMENTS

#### 250.2001 Amendments.

##### *Section 20.1*

- A. Procedure: Only the Village Council may amend this Ordinance. Proposals for amendments or changes may be initiated by the Village Council on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

A petition, together with the completed and signed application and fees, shall be filed with the Village Clerk. The Clerk shall review the application as to form, and when it is approved, transmit the same to the Village Planning Commission for review and report. The Clerk shall, at the same time, establish a date for the public hearing on the petition for the Planning Commission and shall give proper notice for the hearing as provided in Act 110 of 2006, as amended.

After receiving and reviewing the findings and recommendations of the Village Planning Commission, and the recommendations of the County Planning Commission, if received within thirty (30) days of receipt of the Village Planning Commission's submittal of its recommendations to the County Planning Commission, the Village Council at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations. The Village Council may refer any proposed amendment back to the Planning Commission for further consideration and comment within the time specified by the Village Council. Thereafter, the Village Council may adopt the amendment, with or without changes. Such action shall be by ordinance, requiring a majority vote of the Village Council.

The Village Council may hold additional public hearings if the Village Council considers it necessary. The Village Council shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified letter from the property owner to the Village Clerk. All hearings subject to this subsection shall comply with the notice requirements of Section 20.1 B of this Ordinance.



- B. Notice of Hearing: A notice of the proposed text amendment shall be published in a newspaper of general circulation within the Village. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered; to all persons to whom real property is assessed within 300 feet of the property; and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Village of White Pigeon. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

The notice shall be given not less than 15 days before the date of the hearing on the proposed text amendment. The notice shall do all of the following:

1. Describe the nature of the request.
2. State when and where the request will be considered.
3. Indicate and where written comments will be received concerning the request.

- C. Information Required: The petitioner shall submit a detailed description of the petition to the Village Clerk. When the petition involves a change in the zoning map, the petitioner shall submit the following information:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the petitioner.
4. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
5. Date of filing with the Village Clerk.
6. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
7. The desired change and reasons for such change.

- D. Steps in Making a Change:

1. Petitioner submits application and fee.
2. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing as prescribed in Sections 250.2001 A.B.
3. Planning Commission holds hearing, makes a decision, transmits decision to the County Planning Commission and to the Village Council.
4. Village Council either enacts or rejects proposed changes as an Ordinance amendment, and publishes the text of the change in the newspaper within fifteen (15) days after adoption.

- E. Findings and Facts Required: In reviewing any petition for a zoning amendment the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Village Council, within sixty (60) days of the filing date of the petition.

The facts to be considered by the Planning Commission shall include, but not limited to, the following:

1. Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
2. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
3. The compatibility of the Village or other government agencies to provide any services, facilities, and/or programs that might be required if the petition was approved.
4. Effect of approval of the petition on adopted development policies of the Village of White Pigeon and other government units.
5. All findings of fact shall be made apart of the public records of the meetings of the Planning Commission and the Village Council. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the Village of White Pigeon, or of other civil divisions where applicable.

250.202 Conditional Rezoning.

*Section 20. 2*

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL. 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of a rezoning request.

B. Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. Any owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the

Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- C. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning; may recommend approval, approval with recommended changes or denial of the rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
  
- D. Village Council Review. After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council and proceed thereafter to deny or approve the conditional rezoning with or without amendments.
  
- E. Approval
  - 1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Village Council to accomplish the requested rezoning.
  
  - 2. The Statement of Conditions shall:
    - a. Be in form recordable with the Register of Deeds of St. Joseph County or, in the alternative, be accompanied by a recordable Affidavit or

Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.

- b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the Register of Deeds of St. Joseph County.
  - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the Register of Deeds of St. Joseph County. The Village Council shall have authority to waive this requirement if determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

- G. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Village Council if it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Village Council if it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently therein.

ARTICLE XXI

250.2100 ENFORCEMENT

250.2101 Nuisances.

*Section 21.1*

A. Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

250.2102 Violation.

*Section 21.2* Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

A. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 <sup>st</sup> Offense	\$ 75.00	\$500.00
2 <sup>nd</sup> Offense	\$150.00	\$500.00
3 <sup>rd</sup> Offense	\$325.00	\$500.00
4 <sup>th</sup> Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village of White Pigeon has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

The foregoing penalties shall not prohibit the Village from seeking injunctive relief against a violator or other such appropriate relief as may be provided by law.

ARTICLE XXII

250.2200

SEVERABILITY

250.2201 Severability.

*Section 22.01* The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any ordinance other than said portion or part thereof.



ARTICLE XXIII

250.2300

VESTED RIGHT

250.2301

Vested right.

*Section 23.1* Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vest rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation of protection of public health, safety, and welfare.

ARTICLE XXIV

250.2400 CONFLICTING PROVISIONS REPEALED

250.2401 Conflicting provisions.

*Section 24.1* All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE XXV

250.2500

EFFECTIVE DATE

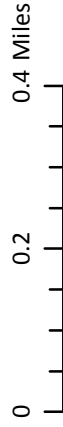
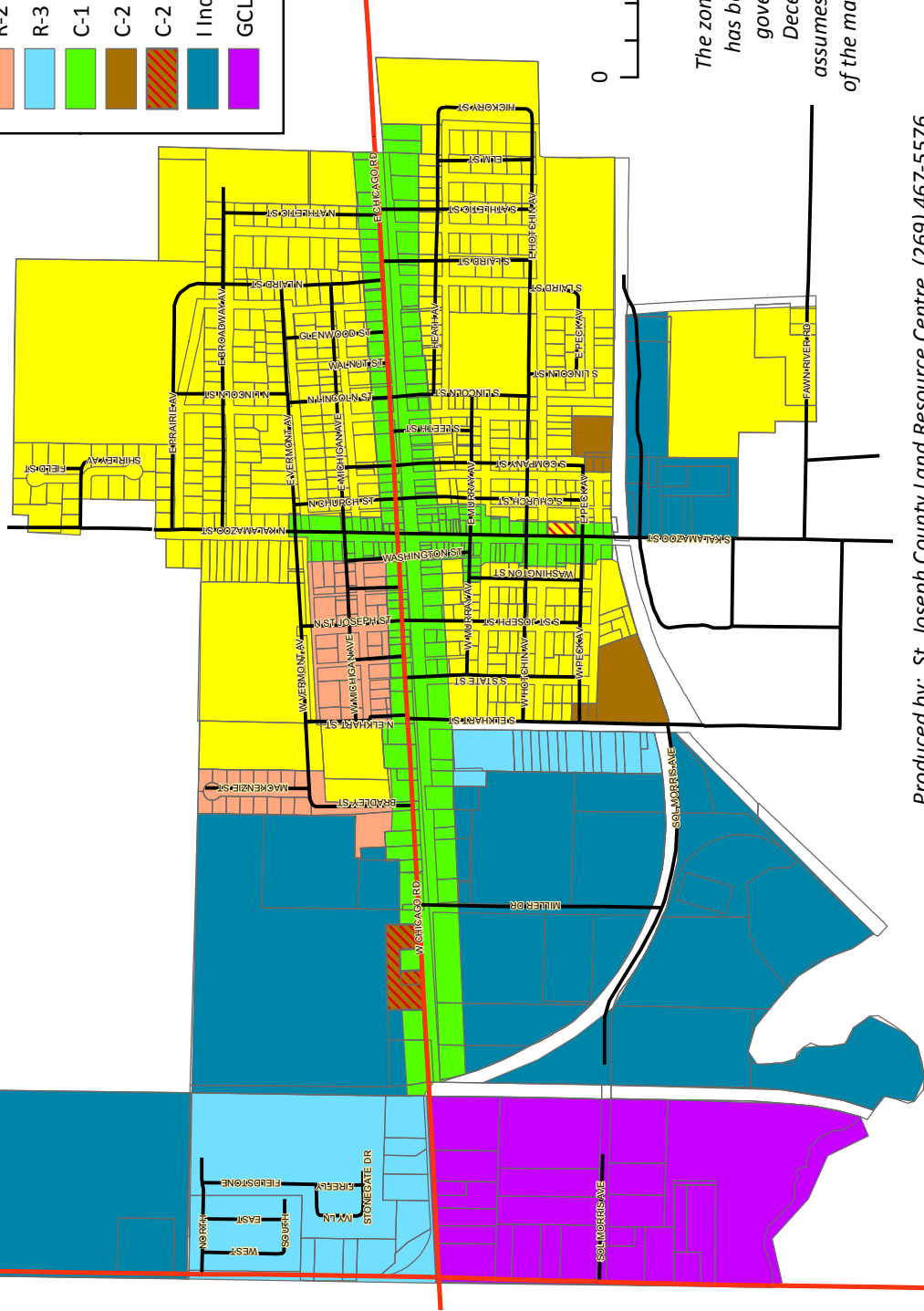
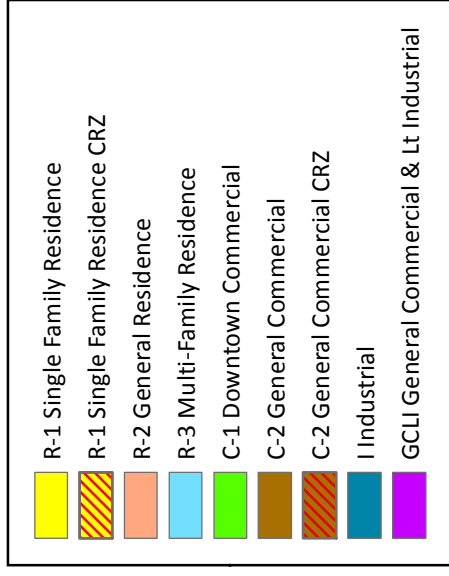
250.2501

Effective date.

*Section 25.1* This revised Ordinance shall take effect eight days following publication of a summary of the ordinance following adoption by the Village of White Pigeon Council.

# White Pigeon Village Zoning Map

## St Joseph County, Michigan



The zoning information contained herein has been supplied by the local unit of government and was last updated December 2010. St Joseph County assumes no responsibility for the accuracy of the map or of the districts herein depicted.

Produced by: St. Joseph County Land Resource Centre (269) 467-5576  
 Geographic Information Systems Department

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