

## ARTICLE 4 ADMINISTRATION AND ENFORCEMENT

### Section 4.1 ADMINISTRATION

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#### *Section 4.1.1 Administration*

The provisions of this Ordinance shall be administered by the Village Council of the Village of Bancroft in accordance with the Michigan Planning Enabling Act, Act 33 of the Michigan Public Acts of 2008, as amended, and the Michigan Zoning Enabling Act, Act 110 of 2006.

#### *Section 4.1.2 Zoning Administrator*

The Village Council shall designate or employ a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The term of employment, rate of compensation, and any other conditions of employment shall be established by the Village Council. For the purpose of this Ordinance, the Zoning Administrator will have the powers of a police officer.

#### *Section 4.1.3 Duties of the Zoning Administrator*

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance, and in so doing shall perform the following duties:

1) Issue Permits

All applications for zoning permits shall be submitted to the Zoning Administrator who may issue zoning permits and certificates of occupancy when all applicable provisions of this ordinance have been complied with.

2) Inspections

The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.

3) Record of Complaints

The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint, which records shall be public records.

4) Report to Village Council

The Zoning Administrator shall report to the Planning Commission periodically, at intervals of not greater than six (6) months, summarizing for the period since the previous report, all zoning permits and certificates of occupancy issued and all complaints of violation and the action taken subsequent thereon. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein.

## 5) Delegation of Day-to-Day Responsibilities

The Zoning Administrator may delegate some of the day-to-day responsibilities of his/her job to other village staff with the approval of the Village Council.

## 6) Advisor to the Zoning Board of Appeals

The Zoning Administrator shall act in an advisory capacity to the Zoning Board of Appeals.

## 7) Approval of Minor Changes to Site Plans

Approval of minor changes to site plans as permitted in Section 11.10 of this ordinance.

## 8) Informing Applicants of their Appeal Rights

If the Zoning Administrator or the Planning Commission deny an applicant a request for a zoning permit, site plan or other administrative approval, they shall inform the applicant in their determination letter of their right to appeal a decision or request a variance when applicable.

(Amended May 10<sup>th</sup>, 2017)

*Section 4.1.4 Zoning Permits*

The following shall apply in the issuance of any permit:

## 1) Requirements for Permits

The excavation for any building or structure shall not be commenced; the erection of, addition to, alteration of, or moving of any building or structure shall not be undertaken; or any land shall not be used, or an existing use of land shall not be changed to a use of a different type or class, until a zoning permit or a certificate of occupancy has been secured from the Zoning Administrator. When uses are not clearly defined by terms listed in this ordinance, then use classes listed in the State of Michigan building code shall be referenced. Deviations from the existing use prior to any change will constitute a change in use and therefore a new zoning permit will be required. A zoning permit will be required when repairs to a non-conforming structure are made over twenty percent (20%) of the structures current assessed value and/or if repairs are made to what is causing the existing non-conformity. Except upon a written order of the Zoning Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this Ordinance. In addition, no zoning permit will be considered unless it is in compliance with the Village Zoning Ordinance.

## 2) Application Requirements

There shall be submitted with all applications for zoning permits one (1) copy of a site layout or plat plan, drawn to scale, showing:

- a) The location, shape, area and dimension of the lot.

- b) The location, dimension, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
- c) The intended uses.
- d) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
- e) The yard, open space and parking space dimensions.
- f) Flow and discharge of drainage
- g) Any easements on the property
- h) Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

All information listed above must be present on the zoning permit application form and fees paid in full to constitute a completed application form. Incomplete zoning permit applications will not be considered.

### 3) Review Period

The zoning administrator shall review and make a determination on a zoning permit within 15 calendar days of receipt of a complete application. An applicant may submit an application for approval to the Zoning Board of Appeals for any permit that exceeds this period.

### 4) Voiding of Permit

Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first building inspection. Any permit granted under this section shall become null and void after two years, unless the improvements outlined in the permit are completed. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

### 5) Inspection

The development or usage proposed by any zoning permit shall be subject to two (2) zoning inspections; one inspection before construction begins and the other before occupancy occurs. It shall be the duty of the permit holder to notify the Zoning Administrator regarding times of proper requests for inspection. Failure of the permit holder to make proper requests for inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

### 6) Fees

Fees for inspection and the issuance of permits or certificates required under this

Ordinance shall be collected by the Village Clerk in advance of issuance. The amount of such fees shall be established by the Village Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

7) Zoning Permit Affect on Building Permits

No building permit shall be issued prior to approval of the zoning permit.

*Section 4.1.5 Certificate of Zoning Compliance*

A person with interest in any parcel in the village may request a certificate of zoning compliance for that parcel, verifying compliance of the parcel, buildings and use of the property with the village zoning ordinance from the zoning administrator.

1) Certificate for Existing Buildings

Certificates of occupancy may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such uses of land are in conformity with the provisions of this Ordinance.

2) Application for Certificates

Application for certificates of zoning compliance shall be made in writing to the Zoning Administrator. The certificate shall identify any outstanding zoning violations of the property and any existing nonconformities.

*Section 4.1.6 Duties and Responsibilities of the Village Council*

1) The Village Council shall have the power to adopt and amend the Zoning Ordinance.

2) The Village Council shall approve appointments of all Zoning Board of Appeals members. In the case that a member of the Village Council is a member of the Zoning Board of Appeals, such member will be excluded from any nominating vote.

(Amended May 10<sup>th</sup>, 2017)

3) The Village Council may initiate all Zoning Text and Map amendments to this ordinance.

4) The Village Council shall establish by resolution the fees for any reviews or approvals required under this ordinance and may revise those fees by resolution from time to time as necessary.

*Section 4.1.7 Duties of the Village Planning Commission*

The Village of Bancroft Planning Commission shall be responsible for the following administrative and enforcement activities under this ordinance.

(Amended May 10<sup>th</sup>, 2017)

1) Site Plan Approval: The Planning Commission shall review site plans and issue its approval, conditional approval or denial of same as provided by Article 11.

- 2) Special Use Permits: The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided in Section 9.3.10 of this ordinance.
- 3) Rezoning or Amendment: The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this ordinance as provided by Article 10. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Village Council. The Planning Commission may initiate a text change or rezoning, as authorized in Article 10.
- 4) Provide recommendations to the Village Council on policy matter of enforcement and administration of the ordinance not covered by adopted rules or guidelines.
- 5) Make comprehensive review and recommend changes to the Zoning Ordinance every five (5) years.
- 6) Prepare a record of nonconforming uses and structures in the village within six (6) months of the adoption of this ordinance.

## **Section 4.2 ENFORCEMENT**

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### *Section 4.2.1 Violations and Penalties*

The Zoning Administrator shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be a civil infraction. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to police and fire department employees or to any Village Official shall be reported to the Zoning Administrator.

#### 1) Inspection of Violation

The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.

#### 2) Notice of Violation

A notice of violation shall be delivered to those violating the provisions of this zoning ordinance in fourteen (14) days either delivered in-person or by certified mail with return receipt to the property owner.

#### 3) Correction Period

All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall permit. A violation not corrected within this period shall be reported to the Village Attorney who is hereby authorized to and shall initiate procedures to eliminate such violations.

4) Penalties

A violation of this ordinance shall constitute a municipal civil infraction under the Village of Bancroft Civil Infraction Ordinance.

5) Cumulative Rights and Remedies

In the interpretation, application and enforcement of the provisions of this Ordinance whenever any one of the provisions or limitations imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

### **Section 4.3 ESTABLISHMENT OF ESCROW ACCOUNTS**

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#### *Section 4.3.1 Escrow Accounts*

Escrow accounts may be required by the Village to cover any special meetings, consultant fees, application reviews or inspections. Fees will be deducted from the escrow account periodically to cover the aforementioned activities. The amount required for escrow will be set by the Village Council and adjusted from time to time to meet the financial requirements of such activity, review or inspection. The amount required to be placed in an escrow account shall be established from time to time by the Village Council by resolution.

## ARTICLE 6 ZONING DISTRICTS, MAP AND SCHEDULE OF REGULATIONS

### Section 6.1 GENERAL PROVISIONS

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#### *Section 6.1.1 Districts Established*

For the purposes of this Ordinance, the Village of Bancroft is hereby divided into the following districts:

(Amended May 10<sup>th</sup>, 2017)

R-1A	Low Density Residential
R-1B	Medium Density Residential
R-M1	Multiple Family Residential
R-1A-O	Low Density Residential with B-2 Overlay
B-1	General Business
B-2	Highway Service
M-1	Industrial

#### *Section 6.1.2 Zoning Districts Map*

- 1) The boundaries of these districts are hereby defined and established as shown on a map entitled Zoning Map of the Village of Bancroft, Shiawassee County, Michigan, which accompanies this Ordinance, and which map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
- 2) The official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk or Treasurer, and bearing the following words: "This is to certify that this is the official Zoning Map referred to in Article 6, Section 6.1.2 of the Village of Bancroft Zoning Ordinance adopted on March 9, 2011."
- 3) If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the official Zoning District Map, such changes shall not be considered final, and zoning permits shall not be issued until changes have been made within five (5) normal working days after the effective date of the Ordinance amendment. Each map change shall be accompanied by a reference number on the map which shall refer to the official action of the Village Council. Two (2) copies of the official Zoning District Map are to be maintained and kept up-to-date, one (1) in the Village Clerk's or Treasurer's office, and one (1) with the Zoning Administrator.

#### *Section 6.1.3 Interpretation of District Boundaries*

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

- 1) Boundaries indicated as approximately following the streets or highways, the center lines of said streets or highways shall be construed to be such boundaries.
- 2) Boundaries indicated as approximately following Village boundary lines shall be construed as following such Village boundary lines.

- 3) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- 4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- 5) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel to them and at such distance from them as indicated on the official Zoning District Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning District Map.
- 6) Boundaries following the shoreline of a drain, stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines, shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
- 7) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question unless otherwise determined by the Village Zoning Board of Appeals.

#### *Section 6.1.4 Scope of Regulations*

No building or structure or part thereof shall hereafter be erected, moved, constructed or altered, and no new use or change in use shall be made unless in conformity with the provisions of this Ordinance, and with the regulations specified for the district in which it is located.

- 1) The regulations applying to each district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot than can be covered by each structure.
- 2) The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned, along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

#### *Section 6.1.5 Zoning of Vacated Areas*

Whenever any street, alley or other public way within the Village shall have been vacated by official public action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically and without further action of the Village of Bancroft, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.



*Section 6.1.6 Zoning of Annexed Areas*

Any area annexed to the Village of Bancroft shall, immediately upon such annexation, be automatically classified as an "R-1A" Low Density Residential District, until a zoning map for said area has been adopted by the Village Council.

(Amended May 10<sup>th</sup>, 2017)

*Section 6.1.7 District Requirements*

All buildings and uses in any district shall be subject, where applicable, to the other provisions of this ordinance.

*Section 6.1.8 Categories Within Zone Districts*

In order to insure all possible benefits and protection for the zone districts in this Ordinance, the land uses have been classified into two (2) categories:

- 1) Uses permitted by RIGHT. The primary uses and structures specified for which the zone district has been established.
- 2) Uses permitted by SPECIAL USE PERMIT. Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zone district, but could present potential injurious effects upon the primary uses and structures within the zone district and, therefore, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 9.

*Section 6.1.9 Replacement of Official Zoning Map or Ordinance*

In the event that the official zoning copy of the zoning ordinance or map becomes damaged, destroyed, lost or difficult to read because of the nature of the changes made thereto, the Village Council may, by ordinance, adopt a new copy of the official zoning ordinance or zoning map, which will supersede the prior copy. The new official copy may correct drafting or other errors or omissions to the zoning map and punctuation, spelling or numbering corrections, but no such changes shall have the effect of amending the zoning ordinance or the prior zoning map. A record of all changes made as a result of this Village Council action shall be retained, along with the original official map or ordinance unless they were lost or destroyed.

**Section 6.2 DISTRICTS USES**

<b>TABLE 6-1: DISTRICT USES</b>							
<b>P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit</b>							
	<b>R-1A</b>	<b>R-1B</b>	<b>R-1M</b>	<b>R-1A w/overlay*</b>	<b>B-1</b>	<b>B-2</b>	<b>M-1</b>
<b>RESIDENTIAL USES</b>							
Adult Foster Care Family Home	P	P	P	P			
Adult Day Care (1-6)	P	P	P	P			
Adult Day Care (7-12)	P		P	P			
Adult Day Care (13+)			P				
Adult Foster Care Large Group Homes (7-12)	P	P	P	P			
Adult Foster Care Large Group Homes (13-20)	P		P	P			
Adult Foster Care Small Group Home	P	P	P	P			
Bed and Breakfast	SUP	SUP	SUP	SUP			
Conversion of One-Family Dwellings	SUP		SUP	SUP			
Family Day Care Home	P	P	P	P			
Foster Family Home	p	P	P	P			
Group Day Care Home	P	P	P	P			
Home Occupations, high intensity	SUP	SUP	SUP	SUP			
Home Occupations, low intensity	P	P	P	P			
Mobile Home Park			SUP				
Multiple-family Dwellings			P				
One-Family Dwelling	P	P	P	P			
Temporary Residence	P	P	P	P	P	P	
Two-family dwellings	P		P	P			
<b>INSTITUTIONAL USES</b>							
Business schools or private schools operated for profit	SUP	SUP	SUP	SUP/P*	P	P	
Cemeteries	SUP			SUP			
Educational	SUP	SUP	SUP	SUP	SUP	SUP	
Institutions for Human Care	SUP	SUP	SUP	SUP	SUP	SUP	
Private noncommercial recreation areas	SUP		SUP	SUP			
Public Assembly Buildings	SUP			SUP/P*	P	P	
Public Buildings	SUP	SUP	SUP	SUP/P*	P		
Public Service Installations	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Trade or industrial schools							P
Public Recreation	P	P	P	P			
Religious Institutions	SUP	SUP	SUP	SUP/P*	P	P	
<b>COMMERCIAL AND OFFICE USES</b>							
Automatic and Self Service Car Wash				SUP*		SUP	
Banks and other financial institutions				P*	P	P	
Building supply and equipment stores				P*	P	P	
Business Service Establishment				P*	P	P	
Bus passenger terminals and stations				P*	P	P	
Contractor's establishment engaging in retail activities on the site				P*	P	P	
Day nursery	SUP		SUP	SUP/P*	P	P	
Drive thru Business				SUP*		SUP	
Funeral Homes and Mortuaries			SUP	SUP*	SUP	SUP	
Gasoline service stations				SUP*	SUP	SUP	

<b>TABLE 6-1: DISTRICT USES</b>							
<b>P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit</b>							
	R-1A	R-1B	R-1M	R-1A w/overlay*	B-1	B-2	M-1
Golf Course and Country Club	SUP			SUP			
Medical Clinics	SUP			SUP/P*	P	P	
Miniature golf, trampoline, or similar public amusement				SUP*		SUP	
Motel						SUP	
Offices, Administrative or Professional					P	P	
Open air business				SUP*	SUP	SUP	
Open industrial or storage uses							P
Personal Service Establishments				P*	P	P	
Planned shopping centers				SUP*		SUP	
Printing, publishing, photographic reproductions, blueprinting and related trades and art				P*	P	P	
Restaurants				P*	P	P	
Retail Establishments, regional				P*		P	
Retail Establishments, local				P*	P	P	
Secondhand stores					SUP		
Servicing and repair of motor vehicles, trailers and land, snow or water recreational vehicles as an accessory use to a principal retail use such as an automobile showroom				P*	SUP	P	
Sexually Oriented Businesses						SUP	
Taverns				P*	P	P	
Vehicle repair shop				SUP*	SUP	SUP	P
Veterinary clinics				SUP*	SUP	SUP	
Veterinary hospitals							P
<b>INDUSTRIAL USES</b>							
Contractor's establishment not engaging in retail activities on the site							P
Grain and seed elevators and sales, cold storage for cooperative and/or wholesale agricultural products							P
Junk Yard							SUP
Light Manufacturing and processing							P
Small manufacturing and processing establishments selling their entire output at retail on the premises					SUP		
Storage and repair of large trucking equipment							P
Storage facilities for building materials, and, gravel, stone, lumber and contractor's equipment							P
Truck or rail freight terminal							SUP
<b>OTHER USES</b>							
Accessory structures	P	P	P	P	P	P	P
Accessory uses	P	P	P	P	P	P	P
Commercial freestanding towers							SUP
Communication Antennae							
Essential Services	P	P	P	P	P	P	P
Field crop, fruit farming and tree nurseries	P						

<b>TABLE 6-1: DISTRICT USES</b>							
<b>P = Uses Permitted By Right, SUP = Uses Permitted by Special Use Permit</b>							
	<b>R-1A</b>	<b>R-1B</b>	<b>R-1M</b>	<b>R-1A w/overlay*</b>	<b>B-1</b>	<b>B-2</b>	<b>M-1</b>
Other uses of a similar and no more objectionable character	P/ SUP	P/ SUP	P/ SUP	P/SUP	P/ SUP	P/ SUP	P
Planned Unit Development	SUP			SUP		SUP	SUP
Railroad right-of-way, including all necessary trackage, switches, operating devices, storage, marshaling yards, and freight yards or sidings							P
Temporary Buildings	P	P	P	P	P	P	P

**Section 6.3 USE DEFINITION, PARKING AND DESIGN**

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
<b>RESIDENTIAL USES</b>			
Adult Foster Care Family Home	A private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than six (6) to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence	Two (2) spaces for each family dwelling unit	1) Adult foster care family homes must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act 2) Proof of state license required.
Adult Day Care (1-6)	A facility other than a private residence, which provides care for six (6) or fewer adults for less than twenty-four (24) hours a day	Two (2) spaces	1) Adult foster care family homes must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act 2) Proof of state license required.
Adult Day Care (7-12)	A facility other than a private residence, which provides care for between seven (7) and twelve (12) adults for less than twenty-four (24) hours a day	One space per two (2) persons of approved capacity	1) Proof of state license required.
Adult Day Care (13+)	A facility other than a private residence, which provides care for more than twelve (12) adults for less than twenty-four (24) hours a day	Two (2) spaces plus one (1) space per six (6) persons of approved capacity over six (6)	1) Proof of state license required.
Adult Foster Care Large Group Homes (7-12)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least seven (7) but not more than twelve (12) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.	Three (3) spaces	1) Proof of state license required.
Adult Foster Care Large Group Homes (13-20)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.	Five (5) spaces	1) Proof of state license required.
Adult Foster Care Small Group Home	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than six (6) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.	Two (2) spaces for each family dwelling unit	1) Adult foster care small group homes with a capacity of 6 or fewer persons must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act. 2) Proof of state license required.

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Bed and Breakfast	A house or portion of a house where short-term lodging rooms and meals are provided. A bed and breakfast is distinguished from a motel or hotel in that it shall have only one (1) set of kitchen facilities, employ only those living in the house or up to one (1) additional employee, and have a facade consistent with the surrounding homes.	Two (2) spaces plus one for each bedroom used for the bed and breakfast	
Conversion of One-Family Dwellings	Modification of a single family dwelling into a duplex, triplex or two or three unit apartment	Two (2) spaces for each family dwelling unit	1) That the floor area per dwelling unit is not less than the following minimums: three hundred fifty (350) square feet for one room; five hundred fifty (550) square feet for two rooms; seven hundred fifty (750) square feet for three rooms, an average of two hundred (200) square feet for each room in excess of three rooms.
Family Day Care Home	A child care facility that provides licensed day care in private homes for six (6) or fewer unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year.	Two (2) spaces	1) Proof of state license required.
Foster Family Home	A private home in which one (1), but not more than four (4), minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian	Two (2) spaces	1) Proof of state license required.
Group Day Care Home	A child care facility that provides licensed day care in private homes for not less than seven (7) or no more than twelve (12) unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year. Facilities that provide licensed day care to thirteen (13) or more minor children constitute a commercial day care center	Two (2) spaces plus one (1) space per two children of licensed capacity	1) Proof of state license required. 2) Is located not closer than 1,500 feet to any of the following: a) Another licensed group child care home. b) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. c) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523. d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections. 3) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government. 4) Maintains the property consistent with the visible characteristics of the neighborhood. 5) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
Home Occupations, high intensity	Any business conducted by one or more residents of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, complies with the provisions of this ordinance, and which has visual or operational characteristics that indicate the use is being conducted.	Determined by Planning Commission at time of Special Use Permit (SUP) approval	1) The non-residential use shall only be incidental to the primary residential use. 2) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference to the extent that it creates a nuisance for nearby residences. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises. 3) The home occupation shall employ no more than one (1) person other than those members of the immediate family residing on the premises. 4) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted. 5) Any change in the exterior appearance of the building or premises or other visible evidence of the conduct of the home occupation shall be minimal and shall not detract from the residential character of the area 6) No traffic shall be generated by such home occupation in greater volumes than would significantly exceed that normally expected in a residential neighborhood, and adequate off-street parking will be provided in an appropriate location

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Home Occupations, low intensity	Any business conducted by one or more residents of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, complies with the provisions of this ordinance, and which there is no obvious visual or operational characteristics that indicate the use is being conducted other than a permitted sign.	Three (3) spaces	<ol style="list-style-type: none"> <li>1) The non-residential use shall only be incidental to the primary residential use.</li> <li>2) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.</li> <li>3) The home occupation shall not employ persons other than those members of the immediate family residing on the premises.</li> <li>4) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted.</li> <li>5) There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign as permitted under this ordinance</li> <li>6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood</li> </ol>
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 change is made, therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.	As required by the Michigan Mobile Home Commission	<ol style="list-style-type: none"> <li>1) Comply with the rules of the Michigan Mobile Home Commission.</li> </ol>
Multiple-family Dwellings	A building or portion thereof used or designed to contain separate living units for three (3) or more families, but which may have joint services or facilities, or both Including those types of residential housing customarily known as garden apartments, terrace apartments, townhouses, row housing units and other housing structures of similar character	Two (2) spaces for each family dwelling unit	<ol style="list-style-type: none"> <li>1) Two (2) or more residential buildings of similar or different character may be built upon one (1) lot or parcel of land</li> <li>2) The minimum site area is two (2) acres provided, however, that for group housing the average lot area per family or dwelling unit shall not be less than four thousand (4,000) square feet.</li> <li>3) The minimum site width is one hundred fifty (150) feet.</li> <li>4) The maximum lot coverage shall be thirty-five percent (35%)</li> <li>5) The minimum horizontal distance between buildings (front to front, rear to rear) shall be fifty (50) feet for buildings one (1) story in height. This distance shall be increased by no less than five (5) feet for every story added.</li> <li>6) The horizontal distance between sides of buildings shall be twenty (20) feet or more for one (1) or two (2) story buildings. These distances shall be increased by not less than five (5) feet for every story added.</li> <li>7) For buildings up to thirty-five (35) feet in height, no building shall be closer than forty (40) feet to any street, fifty (50) feet to any rear property line, and twenty (20) feet to an interior side property line.</li> </ol>

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
One-Family Dwelling	A building, structure, mobile home or prefabricated, remanufactured or precut structure designed exclusively for, and occupied exclusively by one (1) family.	Two (2) spaces	<ol style="list-style-type: none"> <li>1) It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.</li> <li>2) It has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, then and in that event such Federal or State standard or regulations shall apply.</li> <li>3) It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.</li> <li>4) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanisms, undercarriage, or chassis.</li> <li>5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.</li> <li>6) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.</li> <li>7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the township zoning administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the zoning board of appeals within a period of 15 days from the receipt of notice of said zoning inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.</li> <li>8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.</li> <li>9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.</li> <li>10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by State or Federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.</li> <li>11) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of the 1972 PA 230 as amended</li> </ol>



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<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Temporary Residence	A dwelling unit permitted to be located on a lot during the reconstruction of a residence damaged or destroyed	Two (2) spaces for each family dwelling unit	1) A permit may be issued to the owner at the time of destruction by the Zoning Administrator for not more than six (6) months for the use of a mobile home as temporary housing. The Zoning Board of Appeals may grant an extension for a period of not more than one (1) additional year. The ZBA may require the posting of a bond to ensure removal of the mobile home at the end of the extension period. The extension may be granted when the following standards are met: a) A good faith effort has been shown to rebuild the destroyed structure b) The time extension is reasonably necessary considering the practical difficulties associated with actual construction. c) Occupancy of the structure being rebuilt is reasonably possible within the time extension. d) Granting of the time extension to the applicant and other similarly-situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
Two-family dwellings	A detached or semi-detached building designed for or occupied exclusively by two (2) families living independently of each other	Two (2) spaces for each family dwelling unit	
<b>INSTITUTIONAL USES</b>			
Business schools or private schools operated for profit	An establishment for post secondary education involving training in a trade or vocational skill, not including private or public colleges or universities.	One (1) space per student of design capacity	1) Outdoor training involving heavy equipment or vehicles such as earth moving equipment or semi-trailers is prohibited (See Trade or Industrial Schools)
Cemeteries	Land used or intended to be used for the burial of the deceased, and dedicated for cemetery purposes, including columbarium, crematories, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.	One space per two hundred (200) square feet of office area, plus two spaces for resident caretaker	
Educational Institutions	Public or private elementary and secondary schools, institutions for higher education, auditoriums	Exempt from zoning requirements	1) Elementary and secondary educational facilities under the jurisdiction of the State Superintendent of Schools are exempt from local zoning.
Institutions for Human Care	Facilities for the care of people, including accommodations for short term or long term stays onsite. Examples include hospitals, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions medium and large group homes and congregate care facilities	One (1) space for each three (3) patient beds, plus one (1) space for each staff or visiting doctor and plus one (1) space for each four (4) employees, including nurses	1) The proposed site shall have at least one (1) property line abutting a major street or county primary road. All ingress and egress to the off-street parking area (for guests, employees, and staff) shall be directly from the major street or county primary road. 2) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories. 3) No more than twenty-five percent (25%) of the gross site area shall be covered by buildings. 4) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
Private noncommercial recreation areas	Recreation facilities operated by nonprofit, noncommercial organizations, recreation facilities constructed, maintained and operated by an incorporated, nonprofit club or organization with a specified limitation of members and operated for the exclusive use of organization members and their guests. Examples include private, nonprofit swimming pool clubs, community recreation centers, tennis courts or other noncommercial recreation activities	Determined by Planning Commission at time of SUP approval	1) In those instances where the proposed site is intended to serve club or organization members who reside beyond the immediate neighborhood or subdivision in which the proposed site is located, the site shall be located on a major street or county primary road and all ingress and egress for the site shall be provided directly from the major street or county primary road. 2) Front, side and rear yards shall be determined by the Planning Commission and shall be dependent on the nature of the proposed use, the adjacent land use and any proposed screening or buffering provided.
Public Assembly Buildings	A building or structure for groups of people to gather for an event or regularly scheduled program. Examples include theatres, auditoriums, clubs, lodges, lecture halls, banquet facilities, and similar facilities.	One (1) space for every eight (8) persons of legal capacity	

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<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Public Buildings	Buildings that house public services and uses usually in offices; but not including “utility and public service installations” or “educational and social institutions. Examples include post offices, libraries and governmental administrative offices	Determined by Planning Commission at time of SUP or site plan approval	
Public Service Installations	A building or structure used or intended to be used by any public utility, including but not limited to any gas treatment plant reservoir, tank, or other storage facility; water treatment plant, well, reservoir, tank, or other storage facility; electric generating plant, distribution, or transmission substation; telephone switching or other communications plant, earth station, or other receiving or transmission facility; any storage yard for public utility equipment or vehicles; and any parking lot for parking vehicles or automobiles to serve a public utility.	Determined by Planning Commission at time of SUP approval	1) Front, side and rear yards shall be determined by the Planning Commission and shall be dependent on the nature of the proposed use, the adjacent land use and any proposed screening or buffering provided.
Trade or industrial schools	An establishment for post secondary education involving training in a trade or vocational skill including outdoor training involving heavy equipment or vehicles such as earth moving equipment or semi-trailer, not including private or public colleges or universities.	One (1) space for every employee, including administrators and teachers, plus one (1) space for each five (5) students	1) Any areas proposed for outdoor training shall be a minimum of one hundred (100) feet from any property line and shall be a minimum of two hundred (200)feet from an existing residence
Public Recreation	Any recreational space or structure owned by the public or any space and structure or combination thereof privately owned and publicly used consisting primarily of the utilization of natural physical features as the basis for said use (structures and artificial apparatus being secondary to the primary outdoor use	Determined by Planning Commission at time of site plan approval	
Religious Institutions	Institutions that primarily provide meeting areas for religious activities for the general public. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on-site as an accessory use. Examples include churches, synagogues, temples and mosques and other institutions similar to and compatible with the above establishments. Schools, day care centers, hospitals and other uses sometimes associated with religious institutions are separate principal uses.	One (1) space for each four (4) seats, plus one (1) space for every two (2) employees	1) The proposed site shall be so located as to have at least one (1) property line on a major street or county primary road and all ingress and egress for the site shall be provided directly from the major street or county primary road. 2) No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the required setback an additional one (1) foot for each foot of additional height above the district height limitation.
<b>COMMERCIAL AND OFFICE USES</b>			
Automatic and Self Service Car Wash	A building or portion thereof, containing facilities for washing more than two automobiles, using production line methods with a chain conveyor, blower, steam cleaning devices or other similar mechanical devices or providing individual bays for cleaning automobiles		1) Only one (1) ingress/egress driveway shall be permitted on any single street. 2) Where adjoining residentially zoned or used property, the Planning Commission may require a solid, decorative, masonry wall six (6) feet in height along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative. 3) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the Planning Commission. 4) Adequate stacking spaces shall be provided in accordance with the requirements of Article 8 Off-Street Parking and Loading Requirements. Such spaces shall not be permitted in the public right-of-way.

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<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Banks and other financial institutions	An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, Examples include banks, savings and loans, and credit unions.	One (1) space for every two hundred (200) square feet of net floor area	
Building supply and equipment stores	Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Examples include hardware stores and home improvement centers	One (1) space per two hundred and fifty (250) square feet of indoor sales area and (1) space per five thousand (5000) square feet of outdoor and covered sales area	<ol style="list-style-type: none"> <li>1) Yard storage associated with such activities shall be completely obscured from view from public streets and from residential districts in a manner acceptable to the Planning Commission.</li> <li>2) Outdoor display of materials or articles for sale shall not be allowed in the front yard or in parking lots to be utilized for customer parking.</li> <li>3) Display of buildings for sale may be permitted in front yards provided such buildings meet all setback requirements and do not encroach on required parking.</li> <li>4) Locations for any such establishment shall be confined to a major street or county primary road and shall have the entrance to the business and the parking area on the a major street or county primary road</li> </ol>
Business Service Establishment	Establishments which are primarily engaged in rendering services on a contract or fee basis to business establishments. Examples include consumer credit reporting agencies, mailing list and stenographic services, business management consulting services, duplicating services, and other establishments similar to and compatible with the above establishments.	One (1) space for every two hundred (200) square feet of net floor area	
Bus passenger terminals and stations	Facilities that function as a pick-up and drop-off station for bus riding passengers and include repair facilities and bus storage areas	Determined by Planning Commission at time of site plan approval	
Contractor's establishment engaging in retail activities on the site	A facility for the operation of a plumbing contractor, electrical contractor or similar business, including office facilities, for the storing of equipment and supplies and the retail sales	One (1) space per two hundred and fifty (250) square feet of indoor sales area	
Day nursery	A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child.	One (1) space per employee plus one space per 10 children based on maximum capacity of license	<ol style="list-style-type: none"> <li>1) Proof of state license required.</li> <li>2) For each child, a minimum of fifty (50) square feet of indoor activity space shall be provided. Indoor activity space shall exclude hallways, bathrooms, reception and office areas, kitchens, storage areas and cloakrooms, areas used exclusively for resting, sleeping or eating.</li> <li>3) A minimum of one thousand two hundred (1,200) square feet of safe outdoor play area shall be provided in the rear yard.</li> <li>4) All outdoor play areas shall be enclosed with a fence of no less than four (4) feet and no more than six (6) feet in height capable of containing the children within the play area.</li> <li>5) A minimum of one parking space per employee plus one for every ten (10) children permitted at maximum occupancy shall be provided.</li> </ol>
Drive thru Business	An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits or receive other services, or obtain goods without leaving their motor vehicles. Distinguished from a drive-in establishment by the absence of parking while the service is being provided or brought to the customers. This does not include drive-in theaters	Stacking space for five (5) cars between the sidewalk area and the service window, per window	<ol style="list-style-type: none"> <li>1) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street shall be maintained.</li> <li>2) Ingress and egress points shall be located at least fifty (50) feet from the intersection of any two (2) streets.</li> <li>3) Drive-through windows and stacking lanes shall not be located closer than one hundred (100) feet to any property zoned for residential purposes.</li> <li>4) Adequate stacking spaces shall be provided to assure that waiting vehicles do not extend into a public right-of-way. Each stacking space shall be a minimum of ten (10) feet wide by twenty (20) feet deep.</li> <li>5) The space at the drive-through window or transaction point shall be counted as one of the required stacking spaces.</li> <li>6) A bypass lane with a minimum width of twelve (12) feet shall be provided around the stacking spaces.</li> <li>7) Audio transmission devices shall not be clearly heard beyond the boundaries of the site.</li> </ol>
Funeral Homes and Mortuaries	An establishment where the dead are prepared for burial or cremation and where wakes or funeral s may be held, including funeral homes, undertaking parlors and mortuaries	One (1) parking space for every fifty (50) square feet of floor area in slumber rooms, chapels and assembly rooms.	<ol style="list-style-type: none"> <li>1) The conduct of all aspects of activities related to such uses shall take place within the principal building and not in an accessory building.</li> <li>2) A caretaker's residence may be provided within the principal building.</li> <li>3) The proposed site shall front upon a major street or county primary road. All ingress and egress points to the site shall be directly from the major street or county primary road.</li> </ol>

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<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Gasoline service stations	A building or structure designed or used for the retail sale of fuel lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and convenience commercial goods and fast food for the customers. It also includes facilities for the storage, minor repair, or servicing of vehicles, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high speed washing thereof. The term covers such uses as quick oil change facilities and muffler/brake replacement facilities provided no major repairs as described above are undertaken	Three (3) spaces for each repair and service stall, plus one (1) space for each worker on each shift plus one (1) space for every one hundred fifty (150) square feet of net floor area	<ol style="list-style-type: none"> <li>1) The site shall be a minimum of one (1) acre in area.</li> <li>2) The site must abut on a minimum of one (1) side property that is zoned or planned for commercial use.</li> <li>3) Curb cuts for ingress and egress to a service station shall not be permitted at such locations what will tend to create traffic hazards in the streets immediately adjacent thereto. Entrance shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.</li> <li>4) The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.</li> <li>5) Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of the canopy shall be noted on the site plan. Lighting within the canopy shall be fully recessed</li> </ol>
Golf Course and Country Clubs	A tract of land for playing golf, with tees, greens, fairways and hazards such as sand traps and surface water or a club established to provide its members with access to outdoor activities such as golf, tennis and other related activities. A miniature golf course is not included in the general term "golf courses" as defined in this Ordinance.	Four (4) Spaces for each one (1) golf hole plus one (1) space for each employee. plus one (1) space for every three (3) seats of dining area plus one (1) space for each tennis court	<ol style="list-style-type: none"> <li>1) The site area shall be fifty (50) acres or more and shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.</li> <li>2) A site plan of the proposed development shall be reviewed and approved by the Planning Commission. Such site plan shall indicate the location of service roads, entrances, driveways and parking areas, and shall be so designed in relationship to the major thoroughfare that pedestrian and vehicular traffic safety is encouraged.</li> <li>3) Development features shall be shown on said site plans including the principal and accessory buildings, structures, and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property; all principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.</li> <li>4) The minimum number of off-street parking spaces shall be provided as required in Article 8, Section 8.1 including additional spaces which may be required for each accessory use such as a restaurant or bar.</li> <li>5) Whenever a swimming pool is to be provided, said pool shall be located at least one hundred (100) feet from abutting residentially zoned property lines, and shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate.</li> <li>6) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site</li> </ol>
Medical Clinics	A facility operated by one or more physicians, dentists, chiropractors or other licensed medical professional for the examination and treatment of persons solely on an outpatient basis.	Four (4) spaces for each waiting room, plus one (1) space for each employee	
Miniature golf, trampoline, or similar public amusement	A recreational center for outdoor commercial entertainment		
Motel	One or a group of attached or detached or semidetached buildings containing guest rooms or units for rent or hire, which are designed and used primarily for the accommodation of transient automobile travelers.	One (1) space for each sleeping unit, plus two (2) spaces for operating personnel.	<ol style="list-style-type: none"> <li>1) No kitchen or cooking facilities are to shall not be provided, with the exception of units for the use of the manager or caretaker</li> <li>2) Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.</li> </ol>
Offices, Administrative or Professional	A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government. Examples include offices for accountants, insurance agents, architects and engineers.	One (1) space for every two hundred (200) square feet of net floor area	

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<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Open air business	Retail sales establishments operated substantially in the open air. Examples include, motor vehicle, boats, manufactured homes, farm implements or motor home sales, repair, or rental services as well as retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, including lumberyards.	Determined by Planning Commission at time of SUP approval	<ol style="list-style-type: none"> <li>1) All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and in no instance shall parking and loading activities be permitted to spill over onto adjacent roads</li> <li>2) An obscuring fence shall be provided along any property line where the adjacent property is zoned for residential use.</li> <li>3) Area used for open air display shall not occupy any required space for parking, loading, landscaping or buffering.</li> <li>4) Plant storage and display areas shall comply with the minimum setback requirements for the district in which the use is located. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and/or covered to prevent it from blowing and leaching.</li> </ol>
Open industrial or storage uses	Commercial storage facilities with both enclosed and outdoor storage	Two (2) spaces for staff parking	<ol style="list-style-type: none"> <li>1) Any activity in which materials being processed or stored are located, transported, or treated outside of a building; such use shall be provided with an obscuring, permanently maintained fence or wall no lower than the subject use or storage.</li> <li>2) For mini or self-serve storage facilities the following shall apply:                             <ol style="list-style-type: none"> <li>a) Access to the facility shall be from a major street or county primary road.</li> <li>b) All outdoor storage areas shall be appropriately screened from surrounding property, as determined by the Planning Commission.</li> <li>c) Maximum building height shall be nineteen (19) feet.</li> <li>d) A ten (10) foot wide parking strip shall be required in front of each row of storage units and a twelve (12) foot wide travel lane provided between buildings</li> </ol> </li> </ol>
Personal Service Establishments	An establishment that performs services on the premises such as barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries, and photographic studios	Two (2) spaces for each beauty and/or barber shop chair where applicable, otherwise one (1) per one hundred (100) square feet of sales floor area	
Planned shopping centers	A group of commercial establishments planned and developed as a unit with off-street parking provided on the property	One (1) space for every two hundred (200) square feet of gross floor area	<ol style="list-style-type: none"> <li>1) Uses permitted in the shopping center will be based on the zoning district the center is located in</li> <li>2) All permitted activities and uses shall be conducted entirely within a permanent building, except for such outside activities which by the nature of the specified use are required and associated to the indoor activities of the permitted uses</li> <li>3) Pedestrian travel from an establishment in the center to any other establishment shall be possible without crossing a vehicular way.</li> <li>4) Access to the shopping center shall be provided by at least one (1) direct access from a major thoroughfare.</li> <li>5) No structure (with the exception of permitted signs, fences, walls, water towers, and light standards) shall be located closer to any property line of the center the distance equal to twice its height.</li> <li>6) When adjacent to a residential district, or when adjacent to a school, hospital or other public institution the shopping center shall include as an integral part of the site development a strip of land fifty (50) feet in width along the rear and side lot lines. No part of such land may be used for any shopping center function, but shall be occupied by plant material, shrubs, or structural fences and walls used separately or in combination.</li> </ol>
Printing, publishing, photographic reproductions, blueprinting and related trades and art	A commercial printing operation, including administrative offices, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing	One (1) per one hundred (100) square feet of sales floor area	
Restaurants	An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory "take-out" services. Examples include lunch counters, coffee shops and other similar establishments but does not include drive-thru facilities	One (1) space for every three (3) seats, including outdoor seating	

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Retail Establishments, regional	<p>A retail establishment that generally services a regional market and is primarily involved in purchase and resale of goods. Services may be rendered incidental to the sale of such goods at the retail establishment. There may be processing or manufacturing of products incidental or subordinate to the selling activities but not on the scale of an establishment solely involved in manufacturing (see manufacturing definitions in this Article).</p> <p>Examples include: Furniture stores, building supply establishments with outdoor storage and other large retail establishments over twenty five thousand (25,000) square feet</p>	One (1) space for every two hundred (200) square feet of gross floor area	
Retail establishments, local	<p>An establishment that is primarily engaged in the purchase and resale of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be some processing of products incidental or subordinate to the selling activities. These retail businesses contain up to a total maximum of twenty five thousand (25,000) square feet</p> <p>Examples include shops for the sale of baked goods, beverages, including liquor outlets, antique shops, books, bicycle shops, clothing and accessory stores, carpeting and rug sales, shoes, confection, grocery stores, food markets, supermarkets, wallpaper, butcher shops, drugs, flowers, food stuffs including meats, gifts, novelty shops, small household accessories, hardware, hobby equipment, jewelry, notions, optical goods, pawnshops, paint, photographic supplies, periodicals, sports cards and other like collectibles, sundry small household articles, sporting goods, musical instruments (sales and services), tobacco and meat markets and other retail and business service establishments similar to and compatible with the above use whose principal activity is the sale of merchandise.</p>	One (1) space for every two hundred (200) square feet of gross floor area	
Secondhand stores	An establishment where used merchandise is offered for sale as a principal portion of the business of the establishment	One (1) space for every two hundred (200) square feet of gross floor area	

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Sexually Oriented Business	<p>Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas". (See Definitions below)</p> <p>Specified Sexual Activities — As used in the above definitions, the phrase "specified sexual activities" shall mean and include:</p> <ul style="list-style-type: none"> <li>a) Human genitals in a state of sexual stimulation or arousal;</li> <li>b) Acts of human masturbation, sexual intercourse or sodomy;</li> <li>c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.</li> </ul> <p>Specified Anatomical Areas — As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:</p> <ul style="list-style-type: none"> <li>a) Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola;</li> <li>b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.</li> </ul>	Determined by Planning Commission at time of SUP approval	<ol style="list-style-type: none"> <li>1) In the development of these standards, the village reviewed studies demonstrating the impact of sexually oriented businesses on crime and property values. It was determined that special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area and the adjacent areas.</li> <li>2) The prohibition against the establishment of more than one adult regulated use, within 1,000 feet of each other and a residential zoning district , serves to avoid increases in crime associated with a concentration of sexually oriented uses and the deleterious effects of blight and devaluation of residential property values</li> <li>3) Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned residential or occupied by uses specified herein.</li> <li>4) Any adult regulated use/building shall be at least 1,000 feet from any of the following, except as otherwise provided by item (9) below.                         <ul style="list-style-type: none"> <li>a) Another existing sexually oriented business</li> <li>b) Any residential district</li> </ul> </li> <li>5) Any display of adult oriented material be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees;</li> <li>6) All access to adult orientated material be restricted to person 18 years of age or older;</li> <li>7) Signage be posted regarding the restrictions to this type of material</li> <li>8) The location of the counter or room is limited to an area away from the main entry.</li> <li>9) Building size shall not exceed 5,000 square feet of gross floor area.</li> <li>10) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas, as defined in this ordinance, cannot be observed by pedestrians or motorists on a public right of way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.</li> <li>11) Use shall be located within a freestanding building. A shared/common wall or shopping center shall not be considered to be a freestanding building.</li> <li>12) The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right of way.</li> <li>13) The hours of operation shall be approved by the Village Council.</li> <li>14) Access shall be from a major street or county primary road.</li> <li>15) Any adult regulated use, which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. Security guard provided will patrol the grounds and parking areas at all times while the business is in operation.</li> <li>16) A license is required.</li> <li>17) Prior to granting a permit for any adult regulated use, the Village Council may impose any such conditions or limitations authorized by law in connection with the grant of special uses.</li> <li>18) An adult regulated use granted pursuant to the terms of this ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the city.</li> </ol>
Taverns	A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Examples include bars, night clubs, private clubs, and similar facilities serving alcoholic liquor.	One (1) space for every three (3) seats, including outdoor seating	

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Vehicle repair shop	General repair of motor vehicles and farm equipment including engine rebuilding, or additional mechanical repair, reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust-proofing	One (1) per one hundred (100) square feet of sales floor area	<ol style="list-style-type: none"> <li>1) The proposed site shall have at least one (1) property line abutting a major street or county primary road. All ingress and egress to the off-street parking area shall be directly from the major street or county primary road</li> <li>2) No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line as extended to the curb or pavement, or within twenty feet of any exterior lot line as extended.</li> <li>3) The entire service area shall be paved with a permanent surface of concrete or asphalt.</li> <li>4) All equipment, including hydraulic hoists, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building.</li> <li>5) There shall be no outdoor storage of merchandise such as tires, lubricants, and other accessory equipment, except that outdoor trash storage may be provided in a properly screened container</li> <li>6) All vehicles, upon which work is performed, shall be located entirely within a building.</li> <li>7) There shall be no above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, or other inflammable liquids or gas</li> </ol>
Veterinary clinics	A facility providing diagnosis, treatment, surgery and similar veterinary care for small domestic animals with no overnight boarding and indoor boarding of a maximum of three (3) animals at any one time.	One (1) per three hundred (300) square feet of gross floor area	
Veterinary hospitals	A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include overnight boarding incidental to treatment	One (1) per three hundred (300) square feet of gross floor area	
<b>INDUSTRIAL USES</b>			
Contractor's establishment not engaging in retail activities on the site	A facility for the operation of a building contractor, well driller or similar business, including office facilities, for the storing of equipment and supplies	One (1) space for every two hundred (200) square feet of office space	
Grain and seed elevators and sales, cold storage for cooperative and/or wholesale agricultural products	An establishment for the commercial storage of agricultural produce which may also involve the sale of seed, fertilizer, pesticides and similar products	One (1) per one hundred (100) square feet of sales floor area	
Junk Yard	Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts from them, but not including a dump.	One (1) per employee	<ol style="list-style-type: none"> <li>1) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State Statutes, the State requirements shall prevail.</li> <li>2) The site shall be a minimum of ten (10) acre in size.</li> <li>3) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.</li> <li>4) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the fenced-in area.</li> <li>5) All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. The spacing and type of plant materials will be determined by the Village Planning Commission.</li> <li>6) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.</li> <li>7) Whenever the installation abuts upon property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass and structural screens to effectively minimize the appearance of the installation and to help confined odors therein.</li> </ol>



<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Light Manufacturing and processing	<p>Manufacturing establishments that are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially complete materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p> <p>Examples include manufacture of industrial controls, electronic components and accessories, measuring, analyzing and controlling instruments, photographic equipment and repair (except chemicals and sensitized materials), medical and optical goods, and other similar items. Production of prototype products. Research, development, and testing facilities for industrial scientific, and business or commercial establishments. Production, assembly or fabrication of candy, drugs, cosmetics and toiletries, musical instruments, toys, novelties, electrical instruments and appliances; radio and stereo equipment; pottery and figurines or other similar ceramic products using only previously pulverized clay. Manufacturing and maintenance of electric neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; such as manufacturing tools, dies, jigs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products. Other establishments similar to and compatible with the above establishments.</p>	One per employee of the total of the two largest shifts	
Small manufacturing and processing establishments selling their entire output at retail on the premises	Manufacturing establishments that are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially complete materials may be used. Products are made for retail sale on the premises.	One per employee of the total of the two largest shifts Plus one (1) per one hundred (100) square feet of sales floor area	
Storage and repair of large trucking equipment	General repair of semi tractors and trailers, farm equipment and construction equipment such as bulldozers, including engine rebuilding, or additional mechanical repair, reconditioning body work and overall painting	One per employee of the total of the two largest shifts	
Storage facilities for building materials, and, gravel, stone, lumber and contractor's equipment		One per employee of the total of the two largest shifts	

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Truck or rail freight terminal	A facility for the receipt, transfer, short term storage and dispatching of goods transported by truck or railroad.	One per employee of the total of the two largest shifts	
<b>OTHER USES</b>			
Accessory structures	A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use	Based on use of structure	<ol style="list-style-type: none"> <li>1) Accessory Buildings and Yard Restrictions:                             <ol style="list-style-type: none"> <li>a) In a Front Yard: No accessory building shall project into any front yard.</li> <li>b) In a Rear Yard: No accessory building, including detached garages, shall be closer than three (3) feet to any rear lot line.</li> <li>c) In a Side Yard: No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance for a dwelling within a residential district except when an accessory building is located ten (10) feet or more to the rear of the principal dwelling, then the accessory building shall be no closer than five (5) feet to the side lot line.</li> <li>d) On a Corner Lot: No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.</li> <li>e) Accessory buildings shall not occupy more than forty percent (40%) of the area of any rear yard.</li> </ol> </li> <li>2) Accessory Building, Garages: A garage in a residential district shall comply with the following requirements:                             <ol style="list-style-type: none"> <li>a) No more than one (1) commercial vehicle not exceeding one (1) ton rated capacity if permitted per residence, or one and one-half (1-1/2) tons if the residence is part of an agricultural operation.</li> <li>b) The accessory garage shall not exceed the area of the principal structure.</li> <li>c) Space in a garage accessory to a multiple-family residence or a motel shall be rented only to occupants of the dwelling.</li> </ol> </li> <li>3) A parking area of ten (10) feet by twenty (20) feet shall be considered as adequate storage space for each authorized motor vehicle. Additional space may be provided in a garage for uses incidental to a garage function or for hobby workshops and storage areas.</li> </ol>
Accessory uses	<p>A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.</p> <p>Examples include parking spaces, signs, keeping of pets, storage, travel trailers and private swimming pools</p>	Based on use	<ol style="list-style-type: none"> <li>1) Accessory Uses, Fallout Shelters: Fallout shelters are permitted uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use, may be used for any accessory use permitted in the district, subject to the district regulations for such use.</li> <li>2) Accessory Uses and Buildings, Customary:                             <ol style="list-style-type: none"> <li>a) Such uses and buildings are shall be incidental to the principal use and do not include any activity conducted as a business</li> <li>b) Any accessory building or use shall be located on the same lot with the principal building.</li> <li>c) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.</li> </ol> </li> <li>3) Private swimming pools shall comply with building code requirements</li> <li>4) Travel Trailers – Not more than one (1) unoccupied travel trailers may be located on a lot</li> <li>5) Signs shall comply with Article 12 of this ordinance</li> </ol>
Commercial freestanding towers	A radio, telephone or television transmission, reception or relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, televisions, microwave, or any other form of telecommunication towers and any tower erected by a public entity for hazard warning or other communication purpose.	Two (2) spaces for parking of service vehicles	

<b>TABLE: 6-2: USES DEFINITION, PARKING REQUIREMENTS AND DESIGN STANDARDS</b>			
<b>USES</b>	<b>DEFINITION</b>	<b>PARKING REQUIREMENTS</b>	<b>DESIGN STANDARDS</b>
Communication Antennae	Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals and radio frequencies	Two (2) spaces for parking of service vehicles	
Essential Services	The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments or commissions	Determined by Planning Commission at time of site plan approval	The Village Planning Commission shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the board shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service.
Field crop, fruit farming and tree nurseries		N/A	
Other uses of a similar and no more objectionable character	Uses determined by the Planning Commission to be similar to a use specifically permitted in a particular district	Determined by Planning Commission at time of site plan approval	1) The Planning Commission has the authority to permit a use not specifically permitted in the ordinance in a given district if they determine that the use is similar and no more objectionable character to a use permitted by right or by SUP in that district. In making that determination that Planning Commission shall consider the proposed uses' traffic generation, offsite noise and odor generation, hours of operation and other factors they determine relevant
Planned Unit Development	A land area which has both individual building sites and common property such as park and which is designed and developed under one (1) owner or organized group as a separate neighborhood or community unit.	Determined by Planning Commission at time of site plan approval	<ol style="list-style-type: none"> <li>1) The range of uses allowed for any given project is based on the concept plan as approved by the Planning Commission. Uses may be permitted as follows                             <ol style="list-style-type: none"> <li>a) In the R-1A and R-1B Districts uses in the R-1A , R-1B, R-M and the B-1 districts may be permitted</li> <li>b) In the R-M District uses in the R-1A , R-1B, R-M and B-1ndistricts may be permitted</li> <li>c) In the B-1 District the uses in the R-1A, R-1B, R-M, B-1 and B-2 districts may be permitted</li> <li>d) In the B-2 and M-1 District the uses allowed in all districts</li> </ol> </li> <li>2) The dimensional requirements including minimum lot size and setbacks shall be based on the zoning district the proposed use is located in, but may be reduced or increased based on the requirements of the use. For example. In a PUD in a commercial district the Planning Commission may require that a single family residence comply with the minimum lot area and setback requirements in the R-1A or R-1B districts.</li> <li>3) A reduction in lot area and/or setback may be permitted provided that there is not net increase in density as a result and the savings in square footage is provided in open space.</li> <li>4) Approval of a PUD is a two step process:                             <ol style="list-style-type: none"> <li>a) A concept plan showing the general arrangement of the proposed development, the phasing of development, uses, density; street, parking and pedestrian facility layout and the provision of utilities shall be submitted as part of the SUP approval process.</li> <li>b) Following approval of the SUP, site plans may be submitted for the phases of the development, which will follow the normal site plan review and approval process. A site plan that varies materially from the concept plan shall not be approved without first amending the PUD's SUP</li> </ol> </li> <li>5) Conditions for approval of a PUD may include the order of development and the infrastructure required for each phase.</li> </ol>
Railroad right-of-way, including all necessary trackage, switches, operating devices, storage, marshaling yards, and freight yards or sidings		N/A	
Temporary Building	Structures located on site during construction or renovation of a building	Two (2) spaces if the building is used for occupancy, such as an office, otherwise none are required	1) Such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is the lesser time period.

**Section 6.4 DISTRICT REGULATIONS**

*Section 6.4.1 Below are the dimensional requirements by zoning district*

<b>TABLE: 6-3: TABLE OF DISTRICT REGULATIONS</b>									
<b>Zoning District</b>	<b>MINIMUM ZONING LOT SIZE PER UNIT</b>		<b>MAXIMUM HEIGHT OF STRUCTURES</b>		<b>MINIMUM YARD SETBACK PER LOT IN FEET FROM R.O.W. AND/OR LOT LINE</b>			<b>MINIMUM FLOOR AREA PER UNIT</b>	<b>MAX % LOT AREA COVERAGE</b>
	<b>Area in Sq. Ft./ Acres</b>	<b>Width in Feet</b>	<b>In Stories</b>	<b>In Feet.</b>	<b>Front</b>	<b>Each Side</b>	<b>Rear</b>	<b>In Sq.. Feet</b>	<b>By All Structures</b>
R-1A Low Density Residential	13,000	88' (b)	2 ½	35'	35' (g)	15' (c)	40'	1,000	15%
R-1B Medium Density Residential	8,500(a)	66' (b)	2 ½	35'	25' (g)	10' (c)	30'	1,000	20%
R-M1 Multiple Family Residential <u>Unit Type</u>									
Single Family	8500(a)	66' (b)	2 ½	35'	25' (g)	10' (c)	30'	800'	35%
Duplex	8,000(a)	66' (b)	2 ½	35'	25' (g)	10' (c)	30'	750	35%
Multi-Family	3,500 (a)	66' (b)	2 ½	35'	40' (g)	10' (c)	50'	(d)	35%
B-1 General Business	5,000	40'	2 ½	35'	--	--	--	--	--
B-2 Highway Service	10,000	100'	2 ½	35'	50'	20' (c)	40'	--	--
M-1 Industrial	NONE	NONE	3	40' (e)	50'	(f)	(f)	--	--

*Section 6.4.2 Footnotes to the Table of District Regulations*

- a) Development permitted only on existing lots of record or on lots served by public sewer or approved community sewer system.
- b) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that the lot width at the building line is equal to the specified lot width for that district.
- c) Except in the case of a corner lot where the side yard on the street side shall not be less than the front yard requirement.
- d) For each dwelling unit in a multiple-family dwelling: Three hundred fifty (350) square feet for one room; five hundred fifty (550) square feet for two rooms; seven hundred fifty (750) square feet for three rooms, and an average of two hundred (200) square feet for each room in excess of three rooms.
- e) Except that any building within one hundred (100) feet of a residential district shall not exceed fifteen (15) feet in height.
- f) Side and rear yards shall be ten percent (10%) of the lot width and depth respectively, but need not exceed forty (40) feet each, except where a lot in this district abuts a lot in any residential district, no building in the M-1 District shall be closer than one hundred (100) feet to the property line of such residential district lot.
- g) Front yard setbacks may be modified per section 7.12.4.



## **ARTICLE 9 USES AUTHORIZED BY SPECIAL USE PERMIT**

### **Section 9.1 GENERAL STANDARDS AND REQUIREMENTS**

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#### *Section 9.1.1 Intent and Purpose*

Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide controllable and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, the Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

The following Sections, together with previous references in other Articles of this Ordinance, designate specific uses that require a special use permit, and in addition, specify the procedures and standards which must be met before such a permit can be issued.

### **Section 9.2 INITIATION OF SPECIAL USE PERMIT APPLICATION**

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A property owner may file an application to use their land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located. A person other than the property owner may only submit an application with the written approval of the owner.

### **Section 9.3 PERMIT PROCEDURES**

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An application for a special use permit for any land or structure use permitted under this Article shall be submitted and processed under the following procedures:

#### *Section 9.3.1 Submission of Application*

Any application shall be submitted through the Village Clerk on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Village Council to cover costs of processing the application. No part of any fee shall be refundable. The Village Clerk shall be responsible for distribution of public notices, plans for review and any other pertinent information.

#### *Section 9.3.2 Data Required*

Every application shall be accompanied by the following information and data:

- 1) The special form supplied by the Village Clerk, filled out in full by the applicant, including a statement of supporting evidence concerning the required findings specified in Section 9.4.
- 2) Site plan, plot plan, or development plan, drawn to scale (preferably 1" = 100') of the total property involved showing the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
- 3) Preliminary plans and specifications of the proposed development and for all construction.

#### *Section 9.3.3 Changes in the Site Plan*

The site plan, as approved, shall become part of the record of approval, and subsequent actions relative to the activity authorized shall be consistent with the approved site plan unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission.

#### *Section 9.3.4 Approval of the Site Plan by Compliance*

A site plan shall be approved if it contains the information required by this Section and is in compliance with the Zoning Ordinance and the conditions imposed thereunder, other applicable ordinances and State and Federal statutes.

#### *Section 9.3.5 Planning Commission Review*

The application, along with all required data, shall be transmitted to the Planning Commission for review. After adequate review and study of the application, one (1) notice of a public hearing on the request shall be published in a newspaper of general circulation in the Village of Bancroft, and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons 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, including property located outside the boundaries of the village. The notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distance spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- 1) Describe the nature of the special land use request.
- 2) Indicate the street address of the property which is the subject of the special land use request. If the property does not have a street address, it shall be described by tax roll ID number, or parcel description, whichever is available.



- 3) State when and where the special land use request will be considered.
- 4) Indicate when and where written comments will be received concerning the request.
- 5) Indicate when and where a copy of the application may be inspected.

#### *Section 9.3.6 Review by Government Entities*

The Village Clerk shall transmit the application and copies of the site plan to the Zoning Administrator. The Zoning Administrator shall distribute copies of the application and site plan to each member of the Planning Commission and may distribute copies to the Shiawassee County Environmental Health Department, Village Police Department, Village Department of Public Works, and the Village Engineer as they determined to be appropriate.

#### *Section 9.3.7 Village Planning Commission Decision*

Following the public hearing the Village Planning Commission shall consider the special use permit application. The decision rendered by the Village Planning Commission on the special use permit application shall be accompanied with a clear explanation of the reason for the action taken. Any permit issued shall contain all the specified conditions under which the use is allowed. Only upon approval of the Village Planning Commission shall a special use permit be issued by the Zoning Administrator.

#### *Section 9.3.8 Permit Expiration*

A special use permit issued under this Section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit. The Village Planning Commission shall review every special use permit and the associated land use one year after its approval to verify compliance with the conditions of approval. If the use is found to be in violation, the Planning Commission shall provide an opportunity to bring the use into compliance. If the permit holder fails to come into compliance the Planning Commission shall hold a hearing to revoke the permit per Section 9.3.10.

#### *Section 9.3.9 Compliance Review*

Compliance review shall be conducted on an annual basis set from the date the permit was originally granted. When a review is completed and if it is determined that compliance with all applicable conditions of the permit have not been complied with, the Village Zoning Administrator shall inform the Village Planning Commission of said violation for consideration of revocation per Section 9.3.10.

#### *Section 9.3.10 Permit Revocation*

The Village Planning Commission shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. Revocation may only occur following a public hearing meeting the same notice requirements as outline in Section 9.3.5. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days.

*Section 9.3.11 Reapplication*

No application for a special use permit which has been denied wholly or in part by the Village Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions.

**Section 9.4 BASIS FOR DETERMINATIONS**

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Before making a recommendation on a special use permit application, the Bancroft Village Planning Commission shall establish beyond a reasonable doubt that the following general standards, as well as the specific standards outlined in each applicable Section of this Article shall be satisfied.

(Amended May 10<sup>th</sup>, 2017)

*Section 9.4.1 General Standards*

The Village Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:

- 1) Be harmonious with, and in accordance with the general principals and objectives of the Village of Bancroft Master Plan.
- 2) 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 area in which it is proposed.
- 3) Not be hazardous or disturbing to existing or future uses in the same general involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, vibrations or odors.
- 4) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- 5) Be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.
- 6) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.

*Section 9.4.2 Conditions and Safeguards*

The Village Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this Ordinance will be observed. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual

consent of the Village Planning Commission and the landowner. The Village Clerk shall maintain a record of changes granted in conditions. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

### **Section 9.5 EXPLANATION TO APPLICANT OF VILLAGE PLANNING COMMISSION'S DECISION**

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Following receipt and review of the application, the Village Planning Commission shall review the request for approval of the Special Use Permit and the Site Plan.

The Village Planning Commission shall do one of the following:

- 1) Approve the Special Use Permit and Site Plan.
- 2) Approve the Special Use Permit and Site Plan with conditions.
- 3) Deny the Special Use Permit and/or the Site Plan.
- 4) Table the application for additional information or to conduct its own public hearing.
- 5) Notice to applicant(s) of the Village Planning Commission Decision shall be given to applicant(s) within two (2) weeks of decision to approve, approve with conditions, denial or tabled special use requests. Said notice shall be delivered by mail with explanation of Village Planning Commission's decision.

### **Section 9.6 PERFORMANCE GUARANTEES**

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In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the Village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Village Planning Commission may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- 1) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety or performance bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- 2) Where the Village Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Village Clerk prior to the issuance of a zoning permit. The Village shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.
- 3) An approved special use permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date the special use permit is approved.

- 4) In the event the performance guarantee deposited is a cash deposit or certified check, the Village shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.
- 5) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- 6) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Village to complete the improvements for which it was posted, the applicant shall be required to pay the Village the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the Village use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the Village's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Village to ensure completion of an improvement associated with the proposed project prior to the Village's approval, the applicant shall not be required to deposit with the Village a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Village and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions hereof with the Village regarding the performance guarantee.

#### **Section 9.7 SPECIFIC SPECIAL USE REQUIREMENTS**

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Specific use requirements are identified in Article 6 of this ordinance.

## **ARTICLE 10 AMENDMENTS**

### **Section 10.1 THE VILLAGE COUNCIL MAY AMEND**

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The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map of the Village of Bancroft may be amended, supplemented, or changed by the Village Council in accordance with the State of Michigan Act 110 of the Public Acts of 2006, as amended.

### **Section 10.2 INITIATION OF AMENDMENTS BY OTHERS**

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Proposals for amendments, supplements or changes may be initiated by the Village Planning Commission by resolution, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **Section 10.3 AMENDMENT PROCEDURE**

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#### *Section 10.3.1 Petition to Village Council*

Each petition by one (1) or more owners for an amendment shall be submitted by application to the Village Clerk on a standard form provided. A fee, as established by the Village Council, shall be paid at the time of application to cover costs of necessary advertising for public hearing, for the use of a standard amendment sign, the investigation of the amendment request. No part of such fee shall be returnable to a petitioner. No fee shall be charged if the Village or any official body of the Village is the moving party.

#### *Section 10.3.2 Who Can File a Petition for an Amendment and Information Required*

Any proposal for an amendment to the Zoning Map (i.e. to rezone a parcel(s)) may be initiated by the owner of that parcel(s) or a person with written permission of the owner. The process is initiated with the filing of the following with the Village Clerk:

- 1) An application for rezoning.
- 2) A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
- 3) The necessary fees for such zoning change.
- 4) A copy of the deed to the property.

Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Village Council, Village Planning Commission or Zoning Board of Appeals, upon filing with the Village Clerk a resolution duly adopted identifying the proposed amendment.

#### *Section 10.3.3 Public Hearing Procedure and Notice Thereof*

For any public hearing conducted by the Village Planning Commission on a proposed amendment to this Ordinance, the following procedure and notice requirements shall apply:

- 1) Notice of the public hearing shall be given by publishing said notice at least once in a newspaper of general circulation in the Village of Bancroft stating the time and place of

such hearing and the substance of the proposed amendment, the time and place where the proposed amendment can be inspected and where comments can be sent, and in the event of a proposed change in the Zoning Map, the street address of the properties affected shall also be stated. If the properties do not have street addresses, the tax parcel ID number shall be used. This notice shall appear in said newspaper at least fifteen (15) days prior to the date set for the public hearing.

Furthermore, not less than fifteen (15) days notice of the time and place of such public hearing shall first be given by mail to each public utility company, telecommunications company, and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained by the Village Clerk. A hearing shall be granted any person interested at the time and place specified on the notice.

- 2) Additionally, any parcel regarding which a petition for change in zoning classification has been filed by any person, shall be posted by the petitioner for at least fifteen (15) days prior to the public hearing. The posted notices shall be provided by the Zoning Administrator once the Village Planning Commission sets its date for a public hearing. The posted notices shall include the following messages: a) the present zoning classification; b) the proposed zoning classification; c) the time and place of the public hearing, and d) the location where a copy of the application may be inspected and where comments may be sent.
- 3) Notice of the proposed zoning change shall also be made by the Village Clerk, mailing notification by first class mail to the person or firm to whom the property is assessed, and to all persons or firms to whom property within three hundred (300) feet are assessed, including property outside the village boundaries, provided, however, that failure to mail such notices in any particular instances shall not invalidate any zoning ordinance enacted.
- 4) Notice of the proposed zoning change shall also be made by the Village Clerk, mailing notification by first class mail to adjacent Shiawassee Township if said property is within three hundred (300) feet are assessed, provided, however, that failure to mail such notices in any particular instances shall not invalidate any zoning ordinance enacted.
- 5) At the public hearing where the proposed zoning ordinance amendment is considered, the Village Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.
- 6) A record of all comments and correspondence regarding a proposed amendment shall be submitted to the Village Council.

#### *Section 10.3.4 Standards For Approval of Zoning Amendment*

In reviewing any proposed amendment the Planning Commission and Village Council shall consider the following:

- 1) In the case of a proposal to amend the zoning ordinance text the Village shall find:
  - a.) The change is necessary to clarify a provision of the ordinance, or
  - b.) The change is necessary to correct a mistake in the ordinance, or
  - c.) The change is necessary to implement a goal or policy of the Village Master Plan, or
  - d.) The change is necessary to improve administration of the ordinance or to better serve the community

- e.) In addition to one (1) or more of the above findings, the Village must determine that the requested amendment is in compliance with the Village Master Plan or that a mistake in the plan or changes in conditions or Village policy have occurred that are relevant to the request. If the Village Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
- 2) In the case of a proposed zoning map amendment (rezoning) the Village shall find one of the following:
    - a.) The requested amendment is in compliance with the Village Master Plan or that a mistake in the plan or changes in conditions or Village policy have occurred that are relevant to the request. If the Village Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
    - b.) The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Master Plan.

#### *Section 10.3.5 Action by the Village Council*

At the next regularly scheduled Village Council meeting following receipt of the Planning Commission's report, the Village Council shall consider the proposed amendment. The Village Council shall provide a hearing to any property owner who requests a hearing by certified mail, addressed to the clerk. The Village Council may take the following actions on a zoning amendment.

- 1) Approve the proposed amendment by a majority vote of the members of the Village Council
- 2) Deny the request
- 3) Set a date for a public hearing on the matter before making the decision. Notice of a public hearing by the Village Council shall comply with Section 10.3.3 of this ordinance.
- 4) Send the request back to the Planning Commission for further review.
- 5) Consider changes to the proposed amendment.

#### *Section 10.3.6 Letter of Protest to Proposed Amendment*

In case a protest against any proposed amendment to this Ordinance be presented in writing to the Village Clerk prior to the Village Council voting on the proposed amendment thereon, duly signed by the owners of twenty percent (20%) of the area of land included in the proposed change, or by the owners of twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. Publicly-owned land shall be excluded in calculating the twenty percent (20%) and area requirement.

### *Section 10.3.7 Resubmittal*

No application for a rezoning, which has been denied by the Village Council, shall be resubmitted for a period of one (1) year from the date of the last denial except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the Village Council to be valid.

### *Section 10.3.8 Publication of Notice of Ordinance Amendments*

Following adoption to subsequent amendments to this Ordinance by the Village of Bancroft, one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice shall include the following information:

- 1) Either a summary of the regulatory effect of the amendment including the geographic area affected or the text of the amendment.
- 2) The effective date of the amended Ordinance, which shall be seven days from the date of publication or a later date set by the Village Council.
- 3) The place and time where a copy of the amended Ordinance may be purchased or inspected.

## **Section 10.4 CONDITIONAL REZONING**

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### *Section 10.4.1 Purpose*

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 Michigan Zoning Enabling Act (PA 100 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

### *Section 10.4.2 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) Approval of a conditional rezoning does not guarantee approval of any special use permit which may be required as part of the conditional rezoning project, and review of



the special use permit must follow the procedures outlined in Article 9 before development can begin.

- 5) Approval of a conditional rezoning does not guarantee approval of any variance which may be required as part of the conditional rezoning project, and review of the variance must follow the procedures outlined in Article 5 before development can begin.
- 6) Approval of a conditional rezoning does not guarantee approval of any site plan which may be required as part of the conditional rezoning project, and review of the site plan must follow the procedures outlined in Article 11 before development can begin.
- 7) 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. An 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 after 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 and a new recommendation, with notice as required by this article.

#### *Section 10.4.3 Planning Commission Review*

After the public hearing and consideration of the factors for rezoning set forth in Section 10.03 of this Ordinance, the Planning Commission may:

(Amended May 10<sup>th</sup>, 2017)

- 1) Recommend approval of the conditional rezoning
- 2) Recommend approval of the conditional rezoning with changes
- 3) Recommend denial of the conditional rezoning
- 4) Provided, however, that any recommended changes to the offer of conditions are acceptable to and offered by the owner.

#### *Section 10.4.4 Village Council Review*

After receiving 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 set forth in Section 10.03 of this Ordinance. Should the Village Council propose amendments to the proposed conditional rezoning and amendments are acceptable to and offered by the owner, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.

#### *Section 10.4.5 Approval*

- 1) If the Village Council finds the owner's rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions provided said conditions conform with this section. The Statement of Conditions shall be incorporated into the ordinance adopted by the Village Council.
- 2) The Statement of Conditions shall:
  - a. Be prepared as a notarized Affidavit prepared and signed by the owner.
  - 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 unless otherwise specified by this section.
  - d. Include any diagram, plans or other documents submitted that are necessary to illustrate the implementation of the Statement of Conditions.
  - e. 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 zoning map shall also include a listing of all lands rezoned with a Statement of Conditions.

#### *Section 10.4.6 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 be deemed a nuisance per se and shall constitute a violation of this Zoning Ordinance and be punishable accordingly.
- 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.

#### *Section 10.4.7 Time Period for Establishing Development or Use*

Unless another time period is specified in the Ordinance rezoning the subject land, the site plan for approved development shall be submitted within two (2) years after the rezoning took effect. In cases where a site plan is not required, the approved use of land or buildings must have commenced within one year unless another time period is specified in the ordinance rezoning the subject land. These time limitations may upon written request be extended by the Village Council if:

- 1) 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 thereafter to completion and
- 2) The Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- 3) All applicable project completion deadlines in this ordinance related to site plans, special use permits and variances shall apply.

#### *Section 10.4.8 Reversion of Zoning*

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 10.4.7 above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and

making this reversionary rezoning shall be the same as applies to all other rezoning requests.

#### *Section 10.4.9 Subsequent Rezoning of Land*

When land that is rezoned with a Statement of Conditions is rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 10.4.8 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. If a Statement of Conditions has been recorded, upon the owner's written request, the Village Clerk shall record with the Shiawassee County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

#### *Section 10.4.10 Amendment of Conditions*

- 1) During the time period for commencement of an approved development or use specified pursuant to Subsection 10.4.7 or during any extension granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
- 2) The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.

#### *Section 10.4.11 Village Right to Rezone*

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act

#### *Section 10.4.12 Failure to Offer Conditions*

The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this

### **Section 10.5 COMPREHENSIVE REVIEW OF ZONING ORDINANCE**

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The Village Planning Commission shall, from time to time at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Village Council recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare