

Chapter 32 - ZONING⁽¹⁾

Footnotes:

--- (1) ---

State Law reference— Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

ARTICLE I. - IN GENERAL

Sec. 32-1. - Short title.

This chapter shall be known and may be cited as the Village of Lawrence Zoning Ordinance.

(Comp. Ords. 1987, § 15.100)

Sec. 32-2. - Construction of language.

The following rules of construction apply to the text of this chapter:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The term "shall" is always mandatory and not discretionary. The term "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) The term "building" or "structure" includes any part thereof.
- (6) The term "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. The term "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. The term "or" indicates that the connected items, conditions, provisions, or events may apply singly (single) or in any combination.
 - c. The term "either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (9) Terms not herein defined shall have the meaning customarily assigned to them.

(Comp. Ords. 1987, § 15.201)

Sec. 32-3. - Definitions.

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

Accessory use or *accessory* means a use which is clearly incidental to, customarily found in, in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When the term "accessory" is used in this text, it shall have the same meaning as accessory use. The term "accessory use" includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers.
- (2) Swimming pools for the use of the occupants of a residence, or their guests.
- (3) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (8) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

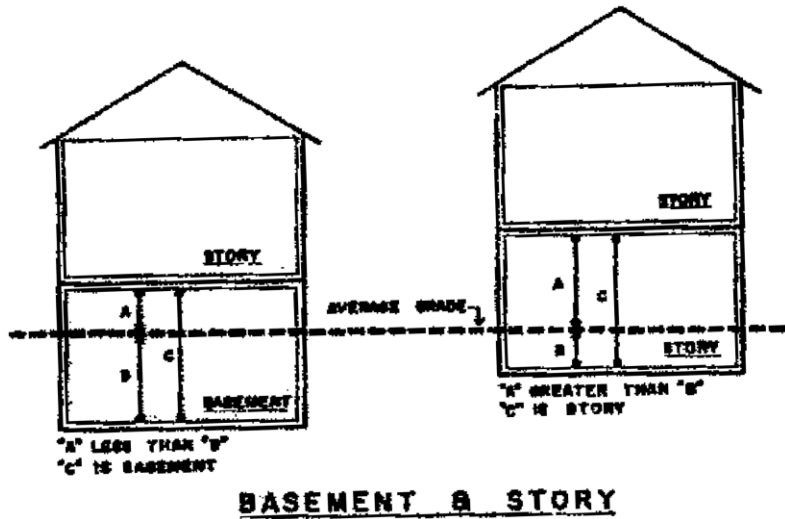
Alley means any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alteration means any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Apartment means a suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Automobile repair means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.

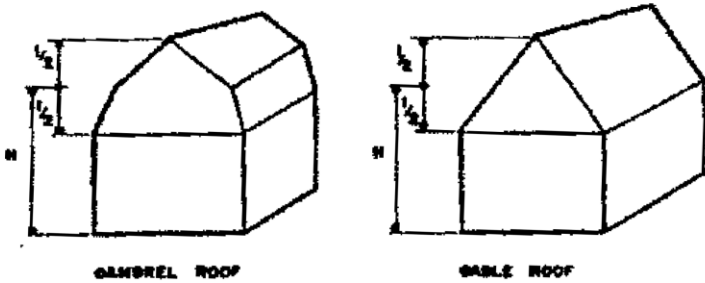
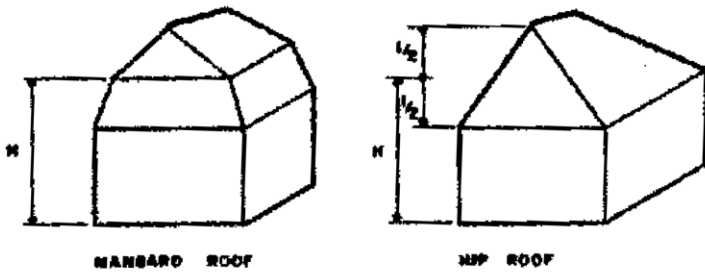
Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.



Block means the property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporated boundary lines of the village.

Building means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

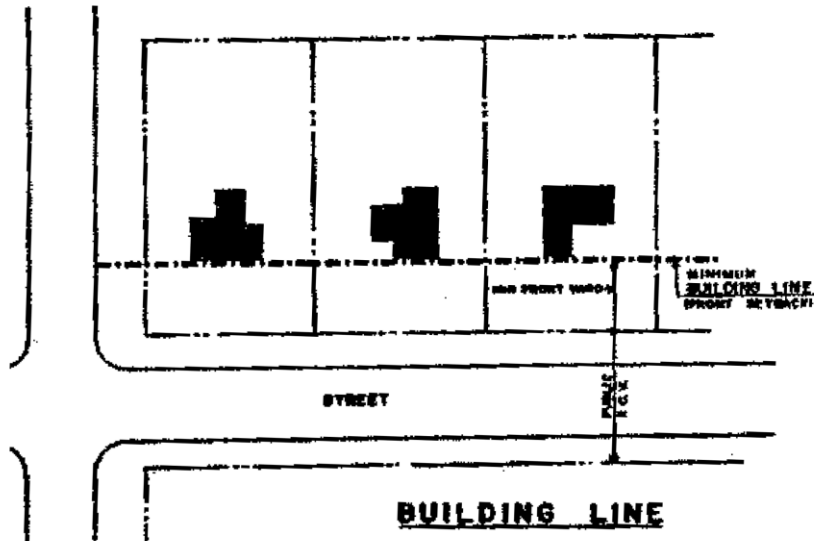
Building height means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.



$H =$ HEIGHT OF BUILDING

BUILDING HEIGHT

Building line means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.



Club means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Convalescent or nursing home means a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

Development means the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District means a portion of the incorporated area of the village within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Drive-in means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carry-out.

Dwelling, multiple-family, means a building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Dwelling, one-family, means a building designed exclusively for and occupied exclusively by one family.

Dwelling, two-family, means a building designed exclusively for occupancy by two families living independently of each other.

Dwelling unit means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

Erected means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services means the erection, construction, alteration or maintenance by public utilities or village departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or village departments for the general health, safety or welfare.

Excavation means any breaking of ground, except common household gardening and ground care.

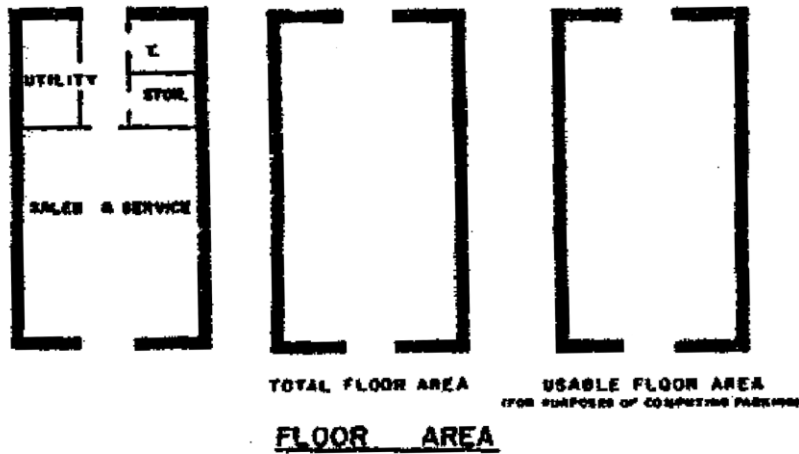
Exception means a use permitted only after review of an application by the zoning board of appeals or legislative body or a modification in the standards of this chapter specifically permitted after review by the zoning board of appeals, planning commission or legislative body; such review being necessary because the provisions of this chapter covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this chapter. An exception is not a variance.

Family means one or two persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof) together with not more than three persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for purposes of this chapter.

Farm means the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

Floor area, residential, means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor area, usable (for the purposes of computing parking), means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.



Garage, private, means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, service, means any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Gasoline service station means a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Grade means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Home occupation means an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.

Hotel means a building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service; furnishing of linen; telephone; secretarial; or desk service; and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Junkyard means an area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. The term "junkyard" includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping or abandonment of junk.

Kennel, commercial, means any lot or premise on which three or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration.

Loading space means an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

Lot area means the total horizontal area within the lot lines of the lot.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot line meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

Lot coverage means the part or percent of the lot occupied by buildings including accessory buildings.

Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, interior, means any lot other than a corner lot.

Lot lines means the lines bounding a lot as defined herein.

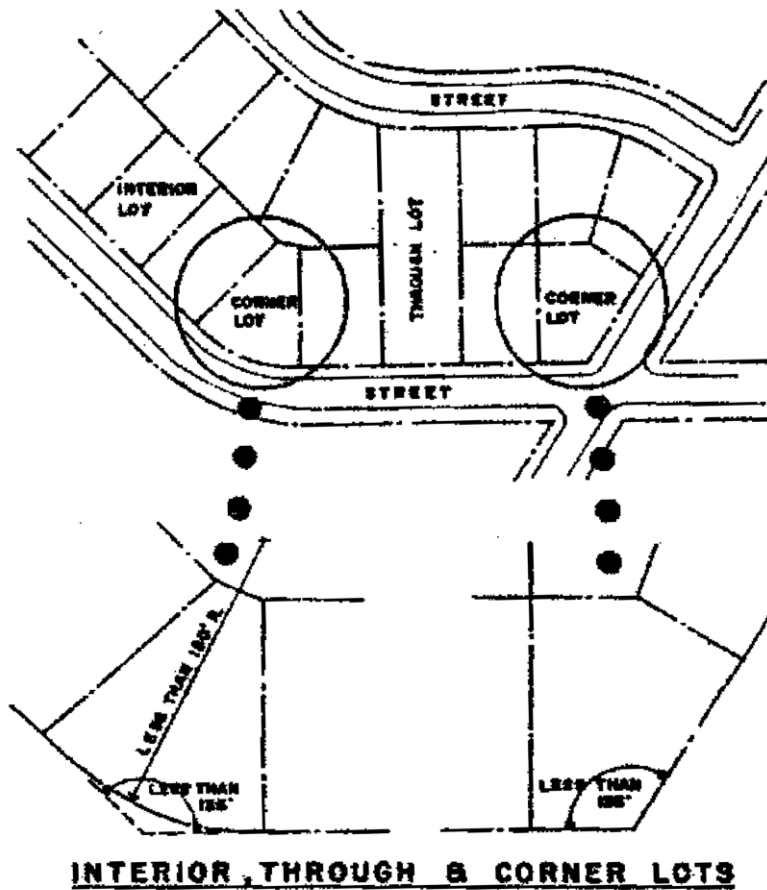
Front lot line means, in the case of an interior lot, that line separating said lot from the street. In the case of a through lot, the front lot line is that line separating said lot from either street.

Rear lot line means that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.

Side lot line means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by village or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, through, means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.



INTERIOR, THROUGH & CORNER LOTS

Lot width means the horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Lot, zoning, means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of record.

Main building means a building in which is conducted the principal use of the lot upon which it is situated.

Major thoroughfare means an arterial street which is intended to serve as a large volume traffic-way for both the immediate village area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan.

Master plan means the comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the village, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the legislative body.

Mezzanine means an intermediate floor in any story occupying not to exceed one third of the floor area of such story.

Mobile home means any vehicle designed or constructed so as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Mobile home park means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

Mobile home (permanent) means a mobile home which is attached to a foundation from which it cannot be readily moved, and which is constructed in such a way that it meets all codes and ordinances of the village applicable to single-family dwellings.

Motel means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Nonconforming building means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and that does not conform to the provisions of the chapter in the district in which it is located.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nuisance factors means an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;
- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congregation of people, particularly at night;
- (14) Passenger traffic;
- (15) Invasion of nonabutting street frontage by traffic.

Nursery, plant material, means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

Open front store means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair or gasoline service stations.

Parking space means an area of definite length and width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Principal use means the main use to which the premises are devoted and the principal purpose for which the premises exist.

Public utility means a person, firm, or corporation, village department, board or commission duly authorized to furnish and furnishing under federal, state or village regulations to the public: Gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Room means, for the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one, two, or three bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Setback means the distance required to obtain minimum front, side or rear yard open space provisions of this chapter.

Sign means the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

Sign, accessory, means a sign which is accessory to the principal use of the premises.

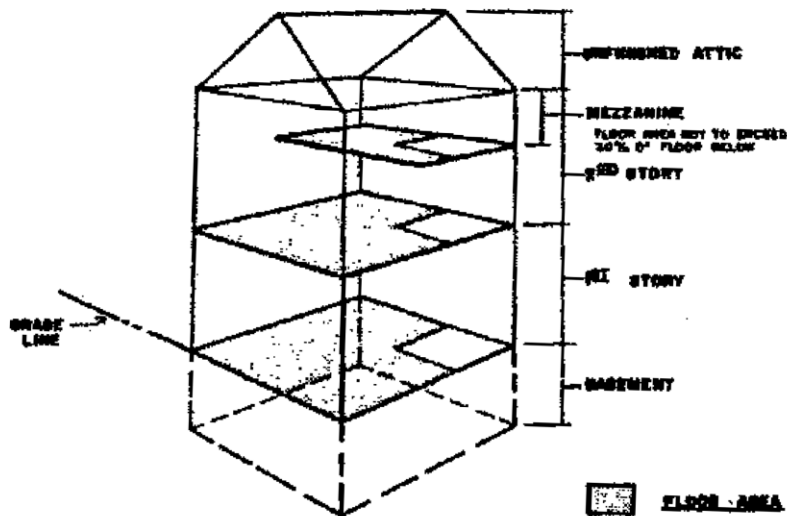
Sign, nonaccessory, means a sign which is not accessory to the principal use of the premises.

Story means that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, half, means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street means a dedicated public right-of-way, other than an alley which affords the principal means of access to abutting property.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.



BASIC STRUCTURAL TERMS

Temporary use or building means a use or building permitted by the zoning board of appeals to exist during a specified period of time.

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

Variance means a modification of the literal provisions of the zoning chapter granted when strict enforcement of the zoning chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are:

- (1) Undue hardship;
- (2) Unique circumstances; and
- (3) Applying to property.

A variance is not justified unless all three elements are present in the case. A variance is not an exception.

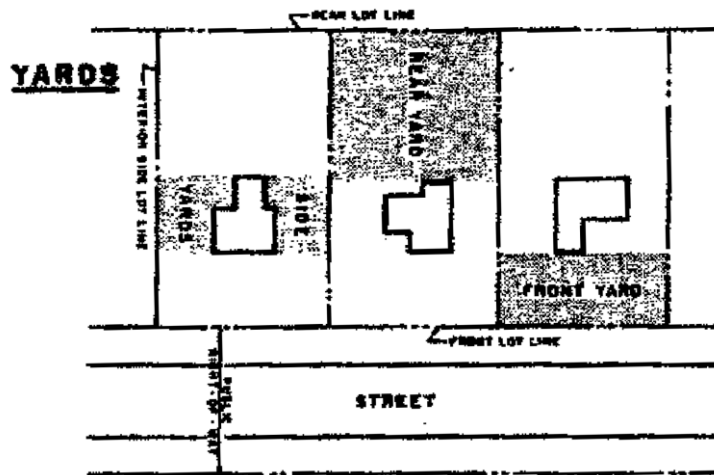
Wall, obscuring, means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

Yards means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein:

Front yard means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Rear yard means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

Side yard means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



(Comp. Ords. 1987, § 15.202)

Secs. 32-4—32-24. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 32-25. - Enforcement.

The provisions of this article shall be administered and enforced by the building inspector or by such deputies of his department as the building inspector may delegate to enforce the provisions of this article.

(Comp. Ords. 1987, § 15.1701)

Sec. 32-26. - Duties of building inspector.

- (a) The building inspector shall have the power to grant zoning compliance and occupancy permits; to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this article. It shall be unlawful for the building inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this article.
- (b) The building inspector shall record all nonconforming uses existing at the effective date of the ordinance from which this article is derived for the purpose of carrying out the provisions of section 32-539.
- (c) Under no circumstances is the building inspector permitted to make changes to this article nor to vary the terms of this article in carrying out his duties as building inspector.
- (d) The building inspector shall not refuse to issue a permit when conditions imposed by this article are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

(Comp. Ords. 1987, § 15.1702)

Sec. 32-27. - Plot plan.

The building inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (1) The actual shape, location, and dimensions of the lot.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this article are being observed.

(Comp. Ords. 1987, § 15.1703)

Sec. 32-28. - Permits.

The following shall apply in the issuance of any permit:

- (1) *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this article.
- (2) *Permits for new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (3) *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (4) *Permits required.* No building or structure or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the state construction code, housing law, or this article, except for minor repairs or changes not involving any of the aforesaid features.

(Comp. Ords. 1987, § 15.1504)

Sec. 32-29. - Certificates.

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (1) *Certificate not to be issued.* No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this article.
- (2) *Certificates required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- (3) *Certificates including zoning.* Certificates of occupancy as required by the state construction code for new buildings or structures, or parts thereof, or for alterations to or changes of use of

existing buildings or structures, shall also constitute certificates of occupancy as required by this article.

- (4) *Certificates for existing buildings.* Certificates of occupancy shall be issued 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 use of land, are in conformity with the provisions of this article.
- (5) *Record of certificates.* A record of all certificates issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (6) *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- (7) *Application for certificates.* Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished by that department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this article.

If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, with the aforesaid five-day period.

(Comp. Ords. 1987, § 15.1705)

Sec. 32-30. - Final inspection.

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building structure or part thereof, shall notify the building inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

(Comp. Ords. 1987, § 15.1706)

Sec. 32-31. - Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this article may be collected by the building inspector in advance of issuance. The amount of such fees shall be established by resolution of the village council and shall cover the cost of inspection and supervision resulting from enforcement of this article.

(Comp. Ords. 1987, § 15.1707)

Sec. 32-32. - Changes and amendments.

The village council may from time to time, on recommendation from the planning commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Comp. Ords. 1987, § 15.1821)

Sec. 32-33. - Interpretation.

In the interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this article to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the described provisions in this division, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this article imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this article shall control.

(Comp. Ords. 1987, § 15.1823)

Sec. 32-34. - Vested right.

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

(Comp. Ords. 1987, § 15.1824)

Secs. 32-35—32-56. - Reserved.

DIVISION 2. - ZONING BOARD OF APPEALS^[2]

Footnotes:

--- (2) ---

State Law reference— Zoning board of appeals, MCL 125.3601 et seq.

Sec. 32-57. - Creation and membership.

There is hereby established a zoning board of appeals, which shall perform its duties and exercise its powers as provided in article VI of Public Act No. 110 of 2006 (MCL 125.3601 et seq.), and in such a way that the objectives of this division shall be observed, public safety secured, and substantial justice done. The board shall consist of five members appointed by the village council. Appointments shall be as follows:

- (1) One member appointed for a period of one year;
- (2) Two members appointed for a period of two years; and
- (3) Two members appointed for a period of three years, respectively;

thereafter each member to hold office for the full three year term. Any vacancies in the board shall be filled by appointment by the village council for the remainder of the unexpired term. The zoning board of appeals shall annually elect its own chairman, vice chairman, and secretary. The compensation of the appointed members of the zoning board of appeals may be fixed by the village council.

(Comp. Ords. 1987, § 15.1801)

Sec. 32-58. - Meetings.

All meetings of the zoning board of appeals shall be held at the call of the chairman and at such times as such board may determine. All hearings conducted by said board shall be open to the public. The village clerk, or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official action. Four members of the board shall constitute a quorum for the conduct of its business. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(Comp. Ords. 1987, § 15.1802)

Sec. 32-59. - Appeal.

An appeal may be taken to the zoning board of appeals by any person or by any officer, department, board or bureau affected by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by filing with the building inspector and with the zoning board of appeals a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the zoning board of appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay, would in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record. The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

(Comp. Ords. 1987, § 15.1803)

Sec. 32-60. - Fees.

The village council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. At the time the notice for appeal is filed said fee shall be paid to the secretary of the zoning board of appeals, which the secretary shall forthwith pay over to the village treasurer to the credit of the general revenue fund of the village.

(Comp. Ords. 1987, § 15.1804)

Sec. 32-61. - Jurisdiction.

- (a) *Powers of the zoning board of appeals.* The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this division, nor to permit any use in a district in which it is not permitted, but does have power to act on those matters where this division provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the state. Said powers include:
- (1) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provisions of this division.
 - (2) *Variance.* To authorize, upon an appeal, a variance from the strict application of the provisions of this division where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this division or by reason of exceptional

topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this division. In granting a variance the board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this division. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.

- (3) *Exceptions and special approvals.* To hear and decide in accordance with the provisions of this division, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this division specifically authorizes the board to pass. Any exception or special approval shall be subject to such conditions as the board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this division, including the following:
- a. Interpret the provisions of this division in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this division, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.
 - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 - e. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the village and for periods not to exceed six months in developed sections.
 - f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12 month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.
 - g. The zoning board of appeals, in granting permits for temporary uses as described in subsection (a)(3)f. of this section, shall do so under the following conditions:
 1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 3. All setbacks, land coverage, offstreet parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the village shall be made at the discretion of the zoning board of appeals.
 4. In classifying uses as not required capital improvement, the zoning board of appeals shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to:
 - (i) Golf driving ranges and outdoor archery courts; or

- (ii) Structures which do not require foundations, heating systems or sanitary connections.
 - 5. The use shall be in harmony with the general character of the district.
 - 6. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this division. Further, the zoning board of appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.
- (b) *Variance compliance.* In consideration of all appeals and all proposed variations to this chapter the board shall, before making any variations from the chapter in a specific case determine that:
- (1) The proposed variation will not impair an adequate supply of light and air to adjacent property;
 - (2) Unreasonably increase the congestion in public streets;
 - (3) Increase the danger of fire; or endanger the public safety;
 - (4) Unreasonably diminish or impair established property values within the surrounding area; or
 - (5) In any other respect, impair the public health, safety, comfort, morals or welfare of the inhabitants of the village.

The concurring vote of four members of the board shall be necessary to reverse any order, requirements, decision, or determination of the building inspector, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. Nothing herein contained shall be construed to give or grant to the board the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the village council, in the manner provided by law.

(Comp. Ords. 1987, § 15.1805)

Sec. 32-62. - Orders.

In exercising the powers in section 32-61, the zoning board of appeals may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building inspector from whom the appeal is taken.

(Comp. Ords. 1987, § 15.1806)

Sec. 32-63. - Notice.

The zoning board of appeals shall make no recommendation except in a specific case and after a public hearing conducted by the board, it shall by general rule or in specific cases, determine the interested parties who, in the opinion of the board, may be affected by any matter brought before it. Notice of the public hearing shall be given as required by section 604 of Public Act No. 110 of 2006 (MCL 125.3604). The board may require any party applying to the board for relief to give such notice to other interested parties as it shall prescribe.

(Comp. Ords. 1987, § 15.1807)

Sec. 32-64. - Miscellaneous.

- (a) No order of the zoning board of appeals permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

- (b) No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Comp. Ords. 1987, § 15.1808)

Secs. 32-65—32-86. - Reserved.

DIVISION 3. - PLANNING COMMISSION³¹

Footnotes:

--- (3) ---

State Law reference— Michigan planning enabling act, MCL 125.3801 et seq.

Sec. 32-87. - Designation.

The planning commission is hereby designated as the commission specified in section 301 of Public Act No. 110 of 2006 (MCL 125.3301), and shall perform the zoning duties of said commission as provided in the statute in connection with the amendment of this division.

(Comp. Ords. 1987, § 15.1819)

Sec. 32-88. - Approval.

- (a) In cases where the planning commission is empowered to approve certain use of premises under the provisions of this division, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said commission for the proper consideration of the matter.
- (b) The planning commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- (c) The planning commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this chapter.
- (d) Any approval given by the planning commission under which premises are not used or work is not started within six months, or when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.

(Comp. Ords. 1987, § 15.1820)

Secs. 32-89—32-119. - Reserved.

DIVISION 4. - PENALTIES AND REMEDIES

Sec. 32-120. - Violations.

Any person violating any of the provisions of this article shall be responsible for a municipal civil infraction.

(Comp. Ords. 1987, § 15.1826)

Sec. 32-121. - Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of the ordinance from which this article is derived and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Comp. Ords. 1987, § 15.1827)

Sec. 32-122. - Fines; imprisonment.

The owner of any building, structure or premises or part thereof, where any condition in violation of this article shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines provided.

(Comp. Ords. 1987, § 15.1828)

Sec. 32-123. - Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(Comp. Ords. 1987, § 15.1829)

Sec. 32-124. - Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Comp. Ords. 1987, § 15.1830)

Secs. 32-125—32-146. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 32-147. - Districts established.

For the purpose of this chapter, the village is hereby divided into the following districts:

(1) *Residential districts.*

R-1—One-family residential district

R-2—One-family residential district

MFR—Multiple-family residential district

(2) *Nonresidential districts.*

B-1—Business service district

B-2—Community business district

B-3—General business district

CBC—Central business district

ES—Expressway service district (optional)

LT-IND—Light industrial district

GEN-IND—General industrial district

P-1—Vehicular parking district

(Comp. Ords. 1987, § 15.301)

Sec. 32-148. - District boundaries.

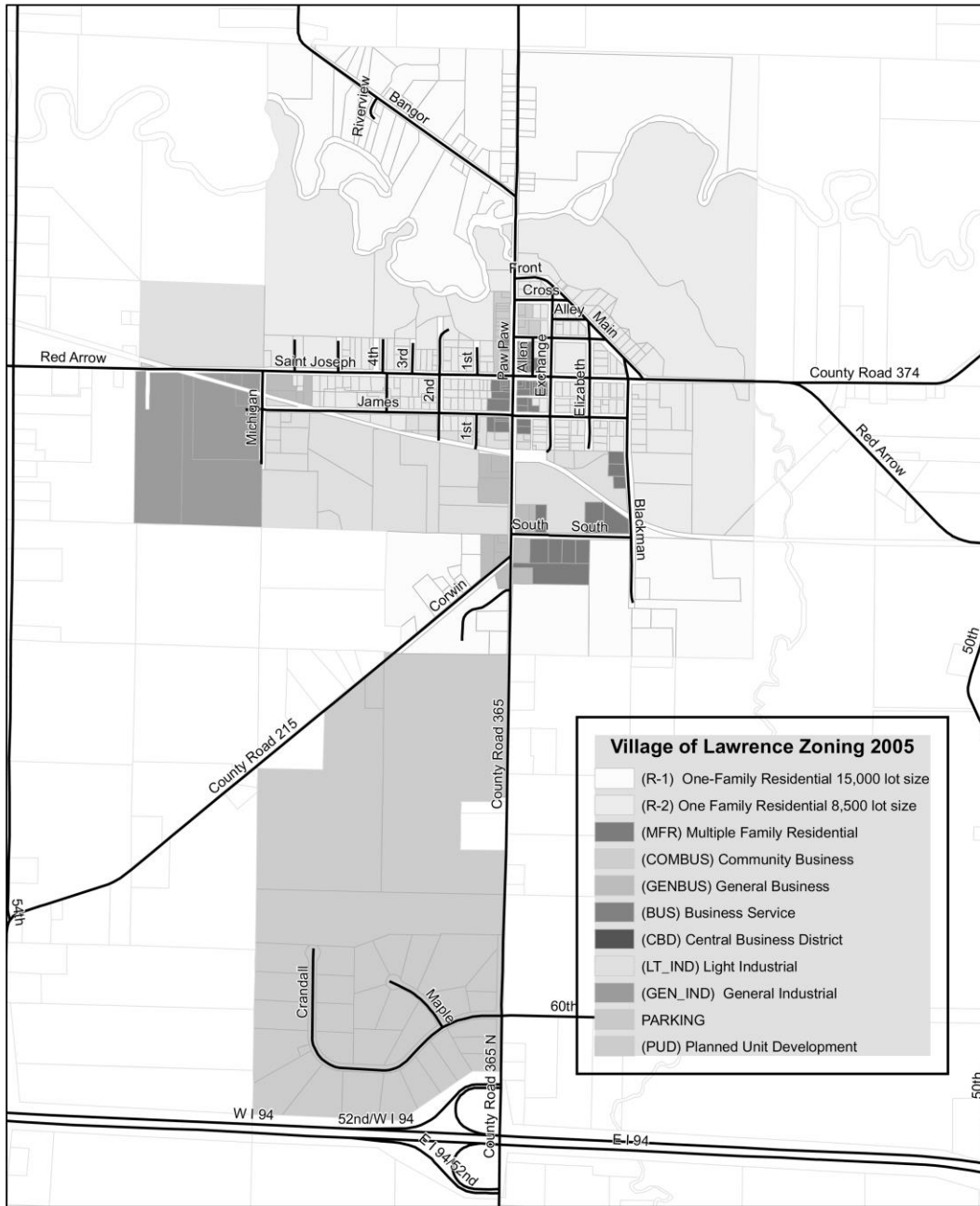
The boundaries of these districts are hereby established as shown on the zoning map which is shown in section 32-149 and which map with all notations, references, and other information shown thereon shall be as much a part of this chapter as if fully described herein.

(Comp. Ords. 1987, § 15.302)

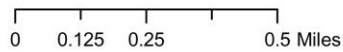
Sec. 32-149. - Zoning map.

Following is the Village of Lawrence zoning map:

Village of Lawrence Zoning 2005

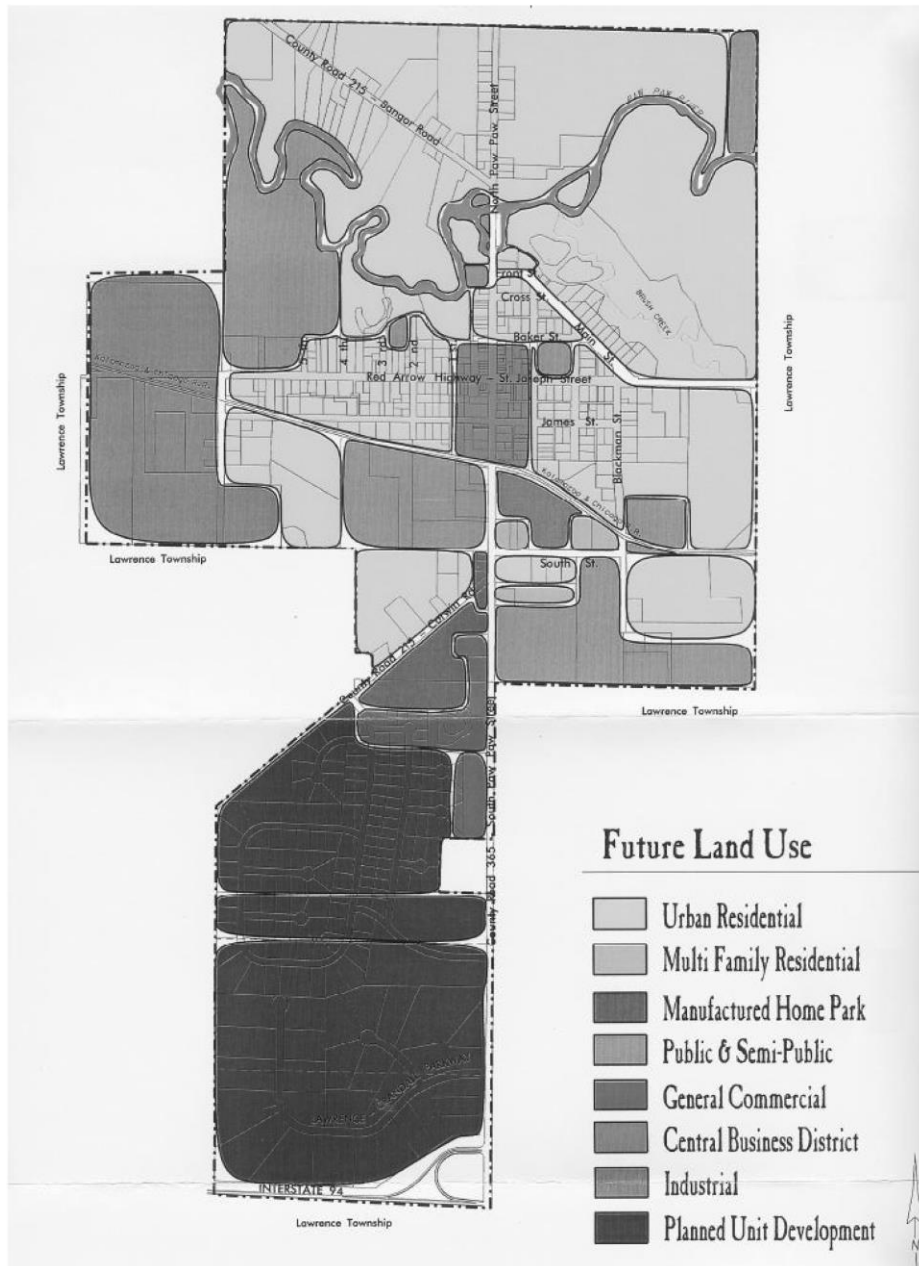


Van Buren County GIS
219 Paw Paw St. Suite 303
www.vbco.org



Sec. 32-150. - Future land use map.

Following is the future land use map:



Sec. 32-151. - District boundaries interpreted.

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

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

- (4) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (7) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the zoning board of appeals shall interpret the district boundaries.
- (8) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

(Comp. Ords. 1987, § 15.303)

Sec. 32-152. - Zoning of annexed areas.

Whenever any area is annexed to the village, one of the following conditions will apply:

- (1) Land that is zoned previous to annexation shall be classified as being in whichever district of this division most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the planning commission to the village council and the council shall approve same by resolution.
- (2) Land not zoned prior to annexation shall be automatically classified as an R-1 district until a zoning map for said area has been adopted by the village council. The planning commission shall recommend the appropriate zoning districts for such area within three months after the matter is referred to it by the village council.

(Comp. Ords. 1987, § 15.304)

Sec. 32-153. - Zoning of vacated areas.

Whenever any street, alley or other public way within the village shall be vacated, such street, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

(Comp. Ords. 1987, § 15.305)

Sec. 32-154. - District requirements.

All buildings and uses in any district shall be subject to the provisions of article II and article IV of this chapter.

(Comp. Ords. 1987, § 15.306)

Secs. 32-155—32-172. - Reserved.

DIVISION 2. - R-1 THROUGH R-2 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 32-173. - Intent.

The R-1 through R-2 one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

An R-1 one-family residential has a 15,000 square feet lot size and an R-2 one-family residential has a 8,500 square feet lot size.

(Comp. Ords. 1987, § 15.401; Ord. of 7-11-2012)

Sec. 32-174. - Principal uses permitted.

In an R-1 one-family residential, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this division:

- (1) One-family detached dwellings.
- (2) State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (3) Farms on those parcels of land separately owned outside the boundaries of either a proprietary or assessor's plat, having an area of not less than five acres, all subject to the health and sanitation provisions of the village and provided further that no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.
- (4) Publicly owned and operated libraries, parks, parkways and recreational facilities.
- (5) Cemeteries which lawfully occupied land at the time of adoption of the ordinance from which this division is derived.
- (6) Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
- (7) Accessory buildings and uses, customarily incident to any of the permitted uses in subsections (1) through (6) of this section.

(Comp. Ords. 1987, § 15.402)

Sec. 32-175. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the planning commission:

- (1) Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in section 32-575, schedule of regulations, may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot of building height that exceeds the maximum height allowed.
 - b. All access to the side shall be in accordance with section 32-553.

- (2) Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with section 32-553.
- (3) Utility and public service buildings and uses, without storage yards, when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- (4) Nursery schools, day nurseries and child care centers, not including dormitories; provided, that for each child so cared for, there shall be provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 5,000 square feet and shall be fenced and screened from any adjoining lot in any residential district. All access to the site shall be in accordance with section 32-553.
- (5) Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs, all subject to the following conditions:
 - a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major throughfare as designated on the major thoroughfare plan and the site shall be so planned as to provide all access in accordance with section 32-553.
 - b. Front, side and rear yards shall be at least 80-feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The planning commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirements shall be determined by the planning commission on the basis of usage.
 - d. Whenever a swimming pool is constructed under this division, said pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.
- (6) Golf courses which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all access in accordance with section 32-553.
 - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
 - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line abutting residentially zoned lands; provided, that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.
 - d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate.
- (7) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. All access to said site shall be in accordance with section 32-553.

- c. No building shall be closer than 80 feet to any property line.
- (8) Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
- a. Private pools shall not require planning commission review and approval.
 - b. There shall be a minimum distance of not less than ten feet between the adjoining property line or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply if greater than ten feet.
 - c. There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
 - d. No swimming pool shall be located less than 35 feet from any front lot line or any existing dwelling unit on abutting property.
 - e. No swimming pool shall be located in an easement.
 - f. For the protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence not less than four feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
- (9) Cemeteries; provided that:
- a. Not more than 51 percent of the land in the residential unit in which the cemetery is to be located is in recorded plats.
 - b. All access to said site shall be in accordance with section 32-553.
- (10) Accessory buildings and uses customarily incident to any of the permitted uses of this section.
- (11) Home occupation subject to the following conditions, to wit:
- a. Said home occupation shall not exceed 25 percent of the gross ground floor area of the residential structure.
 - b. There shall be no alteration in the residential character or function of the premises in connection therewith; nor shall any garage or parking area be used in connection therewith.
 - c. There shall be no external evidence of such home occupation other than one sign, advertising device, or other manifestation located on the exterior of the dwelling unit which shall not exceed six square feet in area and shall be attached as a nonprojecting sign to dwelling unit.
 - d. There shall be no commodity or stock in trade sold or stored upon the premises.
 - e. One employee may be employed in connection with home occupation provided that the family members, as defined in section 32-3, shall not be counted as employed.
 - f. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature.
 - g. No home occupation shall be permitted to be established or continued when the same is objectionable as determined by the planning commission due to noise, dust, smoke, odor, traffic congestion, reduction of the living environment, or other causes detrimental to the neighborhood in which located.
- (12) Two-family detached dwellings subject to the following condition, to wit: that adequate off-street parking be provided for not less than three motor vehicles per two-family dwelling.

(Comp. Ords. 1987, § 15.403)

Sec. 32-176. - Area and bulk requirements.

See division 13 of this article, schedule of regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1987, § 15.404)

Secs. 32-177—32-205. - Reserved.

DIVISION 3. - MFR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS⁽⁴⁾

Footnotes:

--- (4) ---

Editor's note—

Sec. 32-206. - Intent.

The MFR multiple-family residential districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower-density single-family districts. The multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise medium-density, single-family community.

(Comp. Ords. 1987, § 15.501; Ord. of 7-11-2012)

Sec. 32-207. - Principal uses permitted.

In an MFR multiple-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) All uses permitted and as regulated in the R-1 and R-2 one-family residential districts.
- (2) Multiple-family dwellings.
- (3) State licensed residential facilities, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (4) Accessory buildings and uses customarily incident to any of the permitted uses in subsections (1) through (3) of this section.

(Comp. Ords. 1987, § 15.502; Ord. of 7-11-2012)

Sec. 32-208. - Required conditions.

- (a) In the case of multiple-dwelling developments, all site plans shall be submitted to the planning commission for its review and approval prior to issuance of a building permit.
- (b) Approval shall be contingent upon a finding that:

- (1) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
 - (2) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.
- (c) All access to the site shall be in accordance with section 32-553.

(Comp. Ords. 1987, § 15.503)

Sec. 32-209. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the planning commission.

- (1) General hospitals, with no maximum height restrictions, when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least ten acres in area.
 - b. All access to the site shall be in accordance with section 32-553.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
- (2) Housing for the elderly when the following conditions are met:
 - a. All dwellings shall consist of at least 350 square feet per unit, not including kitchen and sanitary facilities.
 - b. Total coverage of all buildings, including dwelling units and related service buildings, shall not exceed 25 percent of the total site exclusive of any dedicated public right-of-way.
- (3) Convalescent homes and orphanages when the following conditions are met:
 - a. There shall be provided on the site, not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
 - b. No building shall be closer than 40 feet to any property line.
- (4) Accessory buildings and uses customarily incident to any property uses.

(Comp. Ords. 1987, § 15.504)

Sec. 32-210. - Area and bulk requirements.

See division 13 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted and providing minimum yard setback requirements.

(Comp. Ords. 1987, § 15.505)

Secs. 32-211—32-228. - Reserved.

DIVISION 4. - C-1 PROP COMMERCIAL PROPERTY¹⁵

Footnotes:

--- (5) ---

Editor's note—

Sec. 32-229. - (COMBUS) Community business.

Community business districts are designed to cater to the needs of a larger consumer population than is served by the business service districts, and are generally characterized by an integrated or planned cluster of the establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic and shall include the following:

- (1) Any retail business or service establishment permitted in business service district except gasoline service stations, subject to regulations applicable in the following sections of this article:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - b. Any service establishment, of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, or upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishment that require a retail adjunct.
 - c. Restaurants or other places serving food or beverage, except those having the character of a drive-in.
 - d. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
 - e. Business schools and colleges or private schools operated for profit.
- (2) Private clubs, fraternal organizations or lodge halls.
- (3) Other uses similar and uses in subsections (1) to (3) of this section.
- (4) Accessory structures and uses customarily incident to the permitted uses in subsections (1) through (3) of this section.
- (5) All uses as permitted and as regulated in the business district.

(Ord. of 7-11-2012)

Sec. 32-230. - (GENBUS) General business.

General business districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the local business district or the community district and shall include the following:

- (1) Any retail business or service establishment permitted in community business and business service districts as principal uses permitted and uses permitted subject to special conditions.
- (2) Auto wash when completely enclosed in a building.
- (3) Bus passenger station.
- (4) New and used car salesroom, showroom or office.

- (5) Other uses similar to the uses in subsections (1) through (4) of this section.
- (6) Accessory structures and uses customarily incident to the permitted uses in subsections (1) through (4) of this section.

(Ord. of 7-11-2012)

Sec. 32-231. - (BUS) Business services.

Business service district, as herein established, is designed to meet the day to day convenience shopping and service needs of persons residing in nearby residential areas. Further, it is designed to accommodate uses such as offices, banks, and personal services which can serve as transitional areas between residential and commercial uses, and to provide a transition between thoroughfares and residential districts and shall include the following:

- (1) Office buildings for any following occupations: executive administrative, professional accounting, writing, clerical, stenographic, drafting and sales subject to the limitations contained herein.
- (2) Generally recognized retail business which supply commodities on the premises such as but not limited to: groceries, meats, daily products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
- (3) Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe and etc), tailor shops, beauty parlors or barber shops, photographic studios, and self service laundries and dry cleaners.
- (4) Dry cleaning establishments, or pick up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- (5) Business establishments, which perform services on the premises, such as, but not limited to: banks, loan companies, insurance offices and real estate offices, drive-in facilities shall be an accessory use only.
- (6) Professional services, including the following: offices of doctors, dentists, osteopaths and similar or allied professions, including clinics.
- (7) Facilities for human care such as hospitals, sanitariums, rest or convalescent homes.
- (8) Post office and similar governmental office buildings, servicing persons living in the adjacent residential area.
- (9) Off-street parking lots.
- (10) Churches.
- (11) Other uses similar to the uses in subsections (1) through (10) of this section.
- (12) Accessory structures and uses customarily incident to the permitted uses in subsections (1) through (10) of this section.
- (13) All uses permitted and as regulated in the R-1 and R-2 one-family residential districts and in MFR multiple-family residential district.

(Ord. of 7-11-2012)

Secs. 32-232—32-259. - Reserved.

DIVISION 5. - RESERVED⁶¹

Footnotes:

--- (6) ---

Editor's note—

Secs. 32-260—32-291. - Reserved.

DIVISION 6. - RESERVED^[7]

Footnotes:

--- (7) ---

Editor's note—

Secs. 32-292—32-323. - Reserved.

DIVISION 7. - CBC CENTRAL BUSINESS DISTRICT^[8]

Footnotes:

--- (8) ---

Editor's note—

Sec. 32-324. - Intent.

The CBC central business district is intended to permit those uses which provide for a variety of retail stores and related activities, and for office buildings and service establishments which occupy the prime frontages in the central business district, and which serve the consumer population beyond the corporate boundaries of the village. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and nonretail uses which tend to break up such continuity.

(Comp. Ords. 1987, § 15.901; Ord. of 7-11-2012)

Sec. 32-325. - Principal uses permitted.

In a CBC central business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, notions or hardware.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers and dry cleaners.

- (3) Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open front store.
- (4) Offices and office buildings of an executive, administrative or professional nature.
- (5) Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.
- (6) Public and quasi-public buildings such as but not restricted to:
 - a. Churches.
 - b. Municipal offices.
 - c. Municipal off-street parking lots.
 - d. Museums.
 - e. Libraries.
 - f. Fraternal organizations.
- (7) Commercial recreation facilities such as bowling alleys, theaters and similar uses.
- (8) Offices and showrooms of plumbers, electricians, decorator or similar trades, of which not more than 25 percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise; provided that, the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.
- (9) Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: Dance schools, music and voice schools and art studios.
- (10) Newspaper offices.
- (11) Storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment.
- (12) Hotels and motels.
- (13) Other uses which are similar to the uses in subsections (1) through (12) of this section and subject to the following restrictions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - b. All business, servicing, or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - c. Outdoor storage of commodities shall be expressly prohibited.
- (14) Accessory structures customarily incident to the permitted uses in subsections (1) through (12) of this section.
- (15) All uses permitted and as regulated in the B-3 general business district.

(Comp. Ords. 1987, § 15.902; Ord. of 7-11-2012)

Sec. 32-326. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the planning commission: residential occupancy provided in buildings of two stories in height or greater. In buildings used for mixed business and residential occupancy, no dwelling unit shall occupy any portion of the floor at grade level. The business uses may occupy any number of total floors; however, no business may be located on the same floor as a residential use, and no floor may be utilized for business purposes which is located above a floor used for residential purposes.

- (1) Each dwelling unit shall have a minimum floor area as provided in division 13 of this article, schedule of regulations, for multiple-family dwellings.
- (2) Off-street parking shall be provided as required in section 32-541.

(Comp. Ords. 1987, § 15.903)

Sec. 32-327. - Area and bulk requirements.

See division 13 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.

(Comp. Ords. 1987, § 15.904)

Secs. 32-328—32-357. - Reserved.

DIVISION 8. - ES EXPRESSWAY SERVICE DISTRICT

Sec. 32-358. - Intent.

The ES expressway service districts are designed to provide for servicing the needs of automobile highway traffic at the interchange areas of expressway facilities. The avoidance of undue congestion on feeder roads, the promotion of smooth traffic flow at the interchange area and on the expressway, and the protection of adjacent properties in other zones from adverse influences of traffic are prime considerations in the application of this district.

(Comp. Ords. 1987, § 15.1001)

Sec. 32-359. - Principal uses permitted.

In an ES expressway service district, no building, land or premises shall be used and no building or structure erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Gasoline service stations with applicable conditions as specified in the B-1 district.
- (2) Restaurants, but not including drive-in restaurants.
- (3) Motels, hotels and transient lodging facilities but not including trailer camps or tent sites, provided that each living unit shall contain not less than 250 square feet of floor area and provided further that no guest shall establish permanent residence for more than 30 consecutive days within any calendar year.
- (4) Other uses similar to the uses in subsections (1) through (3) of this section.
- (5) Accessory structures and uses customarily incident to the permitted uses in subsections (1) through (3) of this section.

(6) All uses as permitted and as regulated in the CBC central business district.

(Comp. Ords. 1987, § 15.1002)

Sec. 32-360. - Required conditions.

- (a) *Barriers.* All development shall be physically separated from the local road by a curb and planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for authorized accessways.
- (b) *Accessways.* Each separate use, grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two accessways from a local road. Such accessway shall not be located closer than 300 feet to the point of intersection of an entrance or exit ramp baseline and the local road centerline. In cases where the ramp baseline and the local road centerline do not intersect, no accessory shall be located closer than 300 feet from the point of tangency of the ramp baseline and the local road pavement. In those instances where properties fronting on a local road are of such width or are in multiple ownerships and accessways to property cannot be provided in accord with the minimum 300 feet distance from the intersection of the local road and entrance or exit ramps, a marginal access road shall be provided to service such properties.
- (c) *Review of plans.* Site plans for the highway service facilities shall be submitted to and shall be reviewed and approved by the village planning commission with respect to the required conditions in subsections (a) and (b) of this section and such other site relation problems as it deems necessary to assure maximum traffic safety and to assure maximum protection to abutting properties.

(Comp. Ords. 1987, § 15.1003)

Sec. 32-361. - Area and bulk requirements.

See division 13 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

(Comp. Ords. 1987, § 15.1004)

Secs. 32-362—32-380. - Reserved.

DIVISION 9. - LT-IND LIGHT INDUSTRIAL DISTRICTS^[9]

Footnotes:

--- (9) ---

Editor's note—

Sec. 32-381. - Intent.

- (a) The LT-IND light industrial districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The LT-IND district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semifinished products from previously

prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

- (b) The general goals of this use district include, among others, the following specific purposes:
- (1) To provide sufficient space, in appropriate locations, to meet the needs of the village's expected future economy for all types of manufacturing and related uses.
 - (2) To protect abutting residential districts by separating them from manufacturing activities and by prohibiting the use of such industrial areas for new residential development.
 - (3) To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
 - (4) To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the village's tax revenue.

(Comp. Ords. 1987, § 15.1101; Ord. of 7-11-2012)

Sec. 32-382. - Principal uses permitted.

In an LT-IND light industrial district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter.

- (1) Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building.
- (2) Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting R-1 through R-2, MFR, B-1, B-2, B-3 and CBC districts, and on any front yard abutting a public thoroughfare except as otherwise provided in section 32-549. In LT-IND districts, the extent of such a wall may be determined by the planning commission on the basis of usage. Such a wall shall not be less than four feet six inches in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further, to the requirements of article IV, supplemental regulations. A chainlink fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height is above set forth.
 - a. Warehousing and wholesale establishments, and trucking facilities.
 - b. The manufacture, compounding, processing, packaging, or treatment of products such as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops.
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - g. Laboratories—experimental film or testing.

- h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
 - k. Warehouse, storage and transfer.
 - l. Electric or gas service buildings and yards.
 - m. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants.
 - n. Water and gas tank holders.
 - o. Railroad transfer and storage tracks.
 - p. Railroad rights-of-way. Freight terminals.
- (3) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any LT-IND district, the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than five feet in height, and may depending on land usage, be required to be eight feet in height. A chainlink type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.
 - (4) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other village buildings and uses, including outdoor storage.
 - (5) Commercial kennels.
 - (6) Greenhouses.
 - (7) Trade or industrial schools.
 - (8) Freestanding nonaccessory signs.
 - (9) Other uses of a similar and no more objectionable character to the uses in subsections (1) through (8) of this section.
 - (10) Accessory buildings and uses customarily incident to any of the permitted uses in subsections (1) through (8) of this section.
 - (11) All uses permitted and as regulated in the ES expressway service district.

(Comp. Ords. 1987, § 15.1102; Ord. of 7-11-2012)

Sec. 32-383. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the planning commission:

- (1) Auto engine and body repair, and undercoating shops when completely enclosed.
- (2) Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the LT-IND district.
- (3) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

- (4) Uses which serve the convenience needs of the industrial district, such as, but not limited to, eating and drinking establishments, bank, savings and loan association, credit union, automobile service station, motel or bowling alley, trade or industrial school or industrial clinic), provided that such use shall be located on an internal industrial street, and shall not abut a major or secondary thoroughfare.
- (5) Other uses of a similar character to the uses in subsections (1) through (4) of this section.

(Comp. Ords. 1987, § 15.1103; Ord. of 7-11-2012)

Sec. 32-384. - Area and bulk requirements.

See division 13 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

(Comp. Ords. 1987, § 15.1104)

Secs. 32-385—32-411. - Reserved.

DIVISION 10. - GEN-IND GENERAL INDUSTRIAL DISTRICTS^[10]

Footnotes:

--- (10) ---

Editor's note—

Sec. 32-412. - Intent.

The GEN-IND general industrial districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The GEN-IND district is so structured as to permit the manufacturing, processing, and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

(Comp. Ords. 1987, § 15.1201; Ord. of 7-11-2012)

Sec. 32-413. - Principal uses permitted.

In a general industrial district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any principal use first permitted in an LT-IND district.
- (2) Heating and electric power generating plants.
- (3) Any of the following production or manufacturing uses, not including storage of finished products; provided that they are located not less than 800 feet distant from any residential district and not less than 300 feet distant from any other district.
 - a. Junkyards, provided such are entirely enclosed within a building or within an eight-foot obscuring wall and provided further that one property line abuts a railroad right-of-way.

- b. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
 - c. Blast furnace, steel furnace, blooming or rolling mill.
 - d. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
 - e. Petroleum or other inflammable liquids, production, refining, or storage.
 - f. Smelting of copper, iron or zinc ore.
- (4) Any other use which shall be determined by the village council after recommendation from the planning commission, to be of the same general character as the permitted uses in subsections (1) through (3) of this section. The village council may impose any required setback and/or performance standards so as to ensure public health, safety, and general welfare.
 - (5) Accessory buildings and uses customarily incident to any of the permitted uses in subsections (1) through (3) of this section.
 - (6) All uses as permitted and as regulated in the LT-IND light industrial district.

(Comp. Ords. 1987, § 15.1202; Ord. of 7-11-2012)

Sec. 32-414. - Area and bulk requirements.

See division 13 of this article, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

(Comp. Ords. 1987, § 15.1203)

Secs. 32-415—32-441. - Reserved.

DIVISION 11. - P-1 VEHICULAR PARKING DISTRICTS

Sec. 32-442. - Intent.

The P-1 vehicular parking districts are intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

(Comp. Ords. 1987, § 15.1301)

Sec. 32-443. - Principal uses permitted.

Premises in such districts shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

(Comp. Ords. 1987, § 15.1302)

Sec. 32-444. - Required conditions.

- (a) The parking area shall be accessory to, and for use in connection with, one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.

- (b) Such parking lots shall be contiguous to an MFR or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and above listed districts.
- (c) Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day and shall not be used as an off-street loading area.
- (d) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- (e) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking areas.
- (f) No building other than those for shelter or attendants shall be erected upon the premises and they shall not exceed 15 feet in height.
- (g) Applications for P-1 district rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with sections 32-541 and 32-551.

(Comp. Ords. 1987, § 15.1303)

Sec. 32-445. - Minimum distances and setbacks.

- (a) *Side and rear yards.* Where the P-1 district is contiguous to the side or rear lot lines of premises within a residentially zoned district, the required wall shall be located along said lot line.
- (b) *Front yards.* Where the P-1 district is contiguous to a residentially zoned district which has a common frontage in the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of 25 feet, or whichever is the greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the planning commission finds that no good purpose would be served. The land between said setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees, or lawn and shall be maintained in a healthy growing condition, neat and orderly in appearance.

(Comp. Ords. 1987, § 15.1304)

Sec. 32-446. - Parking space layout standards and maintenance.

P-1 vehicular parking districts shall be developed and maintained in accordance with the requirements of article IV of this chapter, supplemental regulations.

(Comp. Ords. 1987, § 15.1305)

Secs. 32-447—32-475. - Reserved.

DIVISION 12. - PUD PLANNED UNIT DEVELOPMENT DISTRICT¹¹¹

Footnotes:

--- (11) ---

State Law reference— Planned unit development, MCL 125.3503.

Sec. 32-476. - Description and purpose.

- (a) This division provides enabling authority and standards for the submission, review, and approval of applications for planned unit developments (PUD). It is the intent of this division to authorize the consideration and use of planned unit development regulations for the following purposes:
- (1) To encourage the use of land in accordance with its character and adaptability.
 - (2) To promote the preservation and conservation of natural features and resources.
 - (3) To encourage innovation in land use planning and development.
 - (4) To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the village.
 - (5) To promote and ensure greater compatibility of design and use between neighboring properties and to coordinate architectural styles, building form, and structural relationships within developments.
 - (6) To provide for the regulation of legal land uses not otherwise authorized within this division.
 - (7) To encourage underground utilities which can be more efficiently designed when master planning a larger area.
 - (8) To facilitate phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the village.
- (b) The provisions of this division are not intended as a device for ignoring the zoning chapter or the planning upon which it has been based. To that end, provisions of this division are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this article to ensure appropriate, fair, and consistent decision-making. A planned unit development must comply with this division.

(Comp. Ords. 1987, § 15.13a01)

Sec. 32-477. - Effect of "planned unit development" designation.

The approval of a planned unit development application shall require an amendment to the zoning chapter to revise the zoning map and designate the subject property PUD, planned unit development. An approval granted under this article, including all aspects of the final site development plan and conditions imposed on it, shall constitute an inseparable part of the zoning chapter.

(Comp. Ords. 1987, § 15.13a02)

Sec. 32-478. - PUD authorization.

A planned unit development may be approved by the village council in any location within the village. Any land use authorized in this chapter may be included in a planned unit development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this chapter, provided that the purpose and requirements of this division are met, that adequate public health, safety, and welfare protection mechanisms are designed into the development; and further subject to the following qualifying conditions:

- (1) *Minimum size.* In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of ten acres except in the case of a two-family or multiple family dwelling project for which the minimum area requirement shall be one acre.

- (2) *Conditions for consideration and approval.* A proposed planned unit development must demonstrate the following:
- a. The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the village in general where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - b. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - c. The proposed development shall be compatible with the master plan of the village and shall be consistent with the intent and spirit of this chapter.
 - d. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - e. The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this chapter with respect to the most dominant use in the development.
 - f. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this chapter. This provision shall not prohibit a transfer of ownership or control upon due notice to the village clerk.

(Comp. Ords. 1987, § 15.13a03)

Sec. 32-479. - PUD development standards.

- (a) *Density.* In each case, the maximum number of dwelling units and development density allowed within a PUD project shall be determined by the village council after review by the planning commission. Such determination shall be consistent with the village's master plan, the standards contained in this chapter, and the impact such density would have upon the water supply and sewer service, storm drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area. In no case shall the density of dwelling units or other uses be increased by more than 20 percent of the density which would otherwise have been permitted in the underlying zoning district.
- (b) *Mixed uses.* In any PUD, nonresidential uses in underlying areas zoned for residential purposes may be permitted with a residential component to the extent the applicant demonstrates by analysis and the village council finds, at its discretion, that such uses are compatible. Nonresidential uses, including parking lots and driveways serving them, shall be separated and buffered from residential units in a manner consistent with this chapter. In addition, a greenbelt of at least 30 feet wide shall be required when nonresidential uses abut a residential area, school site, park, or similar area.
- (c) *Street provisions and vehicular access.* Each lot, main building, and principal use within the planned development district shall have vehicular access from a public street. Adequate provision shall be made for dedications of land for streets and essential services.
- (d) *Required yards and common areas.* All required yards and common areas shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas. Through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, the developer shall assure that all yards and common areas will be developed in accordance to the site plan and never changed to another use. Such conveyance shall:
 - (1) Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space. Maintenance standards and a maintenance schedule shall be included.

- (2) Provide for assessment of the private property owners by the village for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
- (e) *Natural resources and features.* The development shall be designed to incorporate and promote the preservation of natural resources and features. Natural resources and features may not be impaired or destroyed unless it is in the public interest to do so. The removal or extraction of sand, gravel, soil, rock, minerals, and similar natural resources or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds, or other bodies of water may only be permitted when such action will prepare or render the premises suitable for an ultimate use permitted under the terms of this section. In determining whether such action is in the public interest, the benefit which would reasonably be expected shall be balanced against the reasonably foreseeable detriments of the activity. The extent to which the proposal is able to replace or ameliorate impaired or lost resources and features shall be considered in making this determination.
- (f) *Underlying zoning regulations.*
- (1) Unless specifically waived by the village council, upon the recommendation of the planning commission under the provisions of subsection (f)(2) of this section, the regulations of the underlying zoning district relative to lot size, lot width, yard area, structure height, setback, parking and loading, landscaping, general provisions, and to other improvements and facilities shall apply; except that for projects within an underlying residential district which are proposed to contain mixed uses, the most restrictive district regulations within this chapter under which each nonresidential use would otherwise be permitted shall apply.
 - (2) Consistent with the planned unit development concept and to encourage flexibility and creativity in development, departures from compliance with the regulations outlined in subsection (f)(1) of this section may be granted at the discretion of the village council as part of the approval of a planned unit development. Such departures may be authorized only if there are alternate features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished by each of the regulations from which a departure is sought.

(Comp. Ords. 1987, § 15.13a04)

Sec. 32-480. - PUD design considerations.

A proposed planned unit development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- (1) Perimeter setbacks.
- (2) Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- (3) Underground installation of utilities.
- (4) Insulation of pedestrian ways from vehicular streets and ways.
- (5) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
- (6) Noise reduction and visual screening mechanisms for adjoining residential uses.
- (7) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- (8) Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.

- (9) Screening and buffering with respect to dimensions and character.
- (10) Yard areas and other open space.
- (11) Density and intensity of development expressed in terms of percent of gross and net land area coverage and gross and net housing units per acre and the height of buildings and other structures.
- (12) The preservation of natural resources and natural features.
- (13) Architectural design and transitional use techniques incorporated into the proposal to minimize or ameliorate potential land use conflicts thereby facilitating the integration of the proposed use with surrounding uses.

(Comp. Ords. 1987, § 15.13a05)

Sec. 32-481. - Application and processing procedures.

- (a) *Pre-application conference.* Prior to the submission of an application for planned unit development, the applicant shall meet with the village president, building inspector, and such consultants as either deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the planned unit development, and the following information:
 - (1) A legal description of the property in question.
 - (2) The total number of acres to be included in the project.
 - (3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of nonresidential units.
 - (4) The approximate number of acres to be occupied and/or devoted to or by each type of use.
 - (5) Departures from the regulations of the chapter which will be requested.
 - (6) The number of acres to be preserved as open space or recreation space.
 - (7) All known natural resources and features (wetlands, trees, scenic views, etc.) to be preserved, lost, or replaced.

The purpose of the meeting is to inform village and other officials of the concept of the proposed development and provide the potential applicant with information regarding land development policies, procedures, and requirements of the village in terms of the proposed development. To this end, the applicant is encouraged to present schematic plans, site data, and any other information that will explain the proposed development. Statements made at the pre-application conference shall not be legally binding commitments.

- (b) *Preliminary site plan; submission and content.* Following the conference in subsection (a) of this section, copies of a preliminary site plan and application for a PUD rezoning request shall be submitted to the village. The submission shall be made to the village clerk who shall present it to the planning commission for consideration at a regular or special meeting. The plan shall be accompanied by an application form and fee as determined by the village council. The preliminary site plan shall contain the following information unless specifically waived by the planning commission:
 - (1) Applicant's name and address.
 - (2) The name of the proposed development.
 - (3) Common description of property and complete legal description.
 - (4) Dimensions of land: width, length, acreage, and frontage.
 - (5) Existing zoning and land use of the proposed site and all adjacent properties.
 - (6) Statement of intent of proposed use of land and any phasing of the project.

- (7) Name, address, and phone number of the firm or individual who prepared the plan; owner of the property; and applicant, if other than owner.
 - (8) Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
 - (9) Proposed acceleration, deceleration, and passing lanes.
 - (10) Location of existing drainage courses, flood plains, lakes, streams, and wetlands.
 - (11) Intentions with respect to water, sewer, and storm drainage.
 - (12) All parking areas and number of spaces by size.
 - (13) The number and location of areas to be preserved as open or recreational space.
 - (14) All known natural resources and natural features and those to be preserved.
 - (15) Gross and net density calculations, number, and types of units, and habitable floor area per unit, if applicable.
 - (16) Concept plan illustrating PUD concept, including each proposed use, square footage, or acreage allocated to each use, approximate locations of each principal structure and use, setbacks, and typical floor plan and elevation for each building.
 - (17) Specifications of each deviation from the applicable chapter regulations which will be sought to be approved, and the safeguards, features, and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulations from which a deviation is being sought.
- (c) *Preliminary site plan; planning commission review.* The planning commission shall review the preliminary site plan and shall make reasonable inquiries of the applicant. This review shall begin within 30 days of receipt of all materials required in the application unless an extension is mutually agreed upon between the planning commission and the applicant. Following review of the preliminary site plan, the planning commission shall make its recommendations on findings of fact relative to section 32-478, along with any comments and recommended modifications to the plan relative to sections 32-479 and 32-480. These shall be made part of the official minutes of the planning commission.
- (d) *Transmittal of planning commission recommendations.* The planning commission shall transmit its recommendation and comments relative to the preliminary site plan to the applicant. A copy of the planning commission recommendations, together with the preliminary site plan, shall also be forwarded to the village clerk who shall notice the preliminary plan for public hearing by the village council.
- (e) *Preliminary site plan; village council review; required public hearing.* Within a reasonable time following the required public hearing, the village council shall approve, approve with conditions, or deny the preliminary site plan. The effect of the approval, or approval with conditions, shall be to authorize the concept embodied in the preliminary site plan, subject to submission, review, and approval of the final site plan as provided below. In reviewing the preliminary site plan, the village council shall make a finding and determination with respect to compliance with the PUD standards set forth in sections 32-478 through 132-480, and generally review and determine whether the basic concept of the proposal is consistent with the intent and spirit of this division. Inasmuch as the specific details of a project plan are at the very essence of the concept of planned unit development, approval of the preliminary site plan shall not constitute a final approval, and preliminary site plan approval shall be subject to review and approval of the final site plan as further provided for in this article.

(Comp. Ords. 1987, § 15.13a06)

Sec. 32-482. - Final site plan.

After receiving the PUD rezoning and preliminary site development plan approval from the village council, the applicant shall submit a final site plan for review and approval by the planning commission prior to starting any construction.

- (1) *Contents of final site plan.* The final site plan shall contain the same information required for the preliminary site plan and shall contain the following additional information as well as information specifically requested by the planning commission in its review of the preliminary site plan:
 - a. Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
 - b. Proposed contour lines at not greater than two foot intervals.
 - c. Proposed landscaping including type, number, and size of trees and shrubs.
 - d. Location of signs and exterior lighting.
 - e. Location of sidewalk, foot paths, or other pedestrian walkways.
 - f. Distance of all buildings from lot lines, right-of-ways, and other principal buildings.
 - g. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
 - h. Proposed phases of project.
- (2) *Public hearing.* Prior to setting the public hearing, the applicant shall submit all required and requested information to the village. Once complete, the village clerk shall transmit the complete application to the planning commission. The planning commission shall determine a date for and hold a public hearing for consideration of the PUD final site plan. Notice shall be given as required by section 503 of Public Act No. 110 of 2006 (MCL 125.3503).

(Comp. Ords. 1987, § 15.13a06[A])

Sec. 32-483. - Standards for PUD final site plan approval.

Following the public hearing, the planning commission shall either approve, deny, or approve with conditions the final site plan. In making its decision, the planning commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:

- (1) Ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency.
- (2) Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- (3) Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
- (4) Screening and buffering with reference to type, dimensions, and character.
- (5) Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.

(Comp. Ords. 1987, § 15.13a07)

Sec. 32-484. - Conditions.

- (a) In approving a PUD final site plan, the planning commission may impose reasonable conditions which include but are not limited to conditions necessary to ensure that public services and facilities affected

by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- (1) Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purpose of the zoning chapter, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- (b) The conditions imposed with respect to the approval of a PUD final site plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the planning commission and the landowner. The planning commission shall maintain a record of conditions which are unchanged. The final site plan, as approved, shall act as a restriction upon the development. The development must conform with the final site plan.

(Comp. Ords. 1987, § 15.13a08)

Sec. 32-485. - Performance guarantees.

The planning commission may require a performance bond or similar guarantee in order to ensure the completion of required improvements.

(Comp. Ords. 1987, § 15.13a09)

Sec. 32-486. - Modification of a PUD.

- (a) Minor changes to a PUD final site plan may be approved by mutual agreement of the applicants or successors in interest and the planning commission, provided the changes comply with all applicable requirements of this zoning chapter and all other village regulations or state law. Minor changes include all matters that were approved by the planning commission in the final site plan that were not part of the preliminary development plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved; provided that, they are in the same general location as approved in the preliminary site plan as determined by the planning commission, and building size that does not exceed 5,000 square feet or five percent of the gross floor area, whichever is smaller. Boundaries of the use areas may be altered by mutual agreement of the applicant or successors in interest and the planning commission.
- (b) A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted in subsection (a) of this section or addition of other uses not authorized by the original PUD approval.

(Comp. Ords. 1987, § 15.13a10)

Secs. 32-487—32-510. - Reserved.

DIVISION 13. - SCHEDULE OF REGULATIONS

Sec. 32-511. - Schedule limiting height; bulk, density and area by zoning district.

Zoning district	Minimum zoning lot size per unit		Maximum height of structures		Minimum yard setback (per lot in feet)			Minimum floor area per unit (sq. ft.)	Maximum % of lot area covered (by all buildings)
	Area in square feet	Width in feet	In stories	In feet	Front	Each side	Rear		
R-1 One-family residential	15,000(a)	100(a)	2	25	25(b)	12(b, c)	35(b)	1,200	35%
R-2 One-family residential	8,500(a)	70(a)	2	25	25(b)	10(b, c)	35(b)	1,000	35%
MFR Multiple-family residential	(d)	(d)	2	25	50(e)	30(e)	30(e)	1br-500 2br-700 3br-900 4br-1,100	25%
B-1 Business service	—	—	—	30	20(f)	15(j)	20(h)	—	—
B-2 Community business	—	—	3	40	75(f, i)	30(i, j)	25(h, i)	—	—
B-3 general business	—	—	3	40	50(f)	(g, j)	25(h)	—	—
CBC Central business district	—	—	—	—	—	(g)	(h)	—	—
ES Expressway service (optional)	—	—	3	40	75(f)	75	75(h)	—	—

LT-IND Light industrial	—	—	—	40	40(k)	20(j, l)	20(l, m)	—	—
GEN-IND General industrial	—	—	—	60	60(k)	30(j, l)	30(l, m)	—	—

Note—Prospective developers are referred to the rules and regulations governing the installation of sewage disposal systems and water systems in the village as published by the board of health. See notes on following pages.

(Comp. Ords. 1987, § 15.1401)

Sec. 32-512. - Notes to schedule.

- (a) See section 32-513, average lot size, and section 32-514, subdivision open space plan, regarding flexibility allowances.
- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in section 32-174 or this section, whichever is greater.
- (c) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.
- (d) In a MFR multiple-family district, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 1,200. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency equals one room

One bedroom equals two rooms

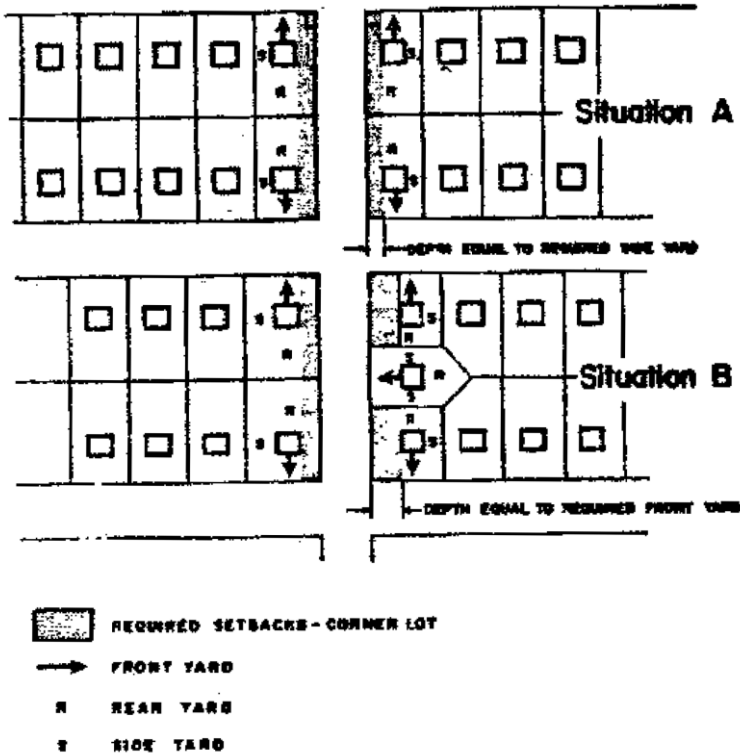
Two bedroom equals three rooms

Three bedroom equals four rooms

Four bedroom equals five rooms

Plans presented showing one, two, or three bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.



SIDE YARDS ABUTTING A STREET

- (e) In all MFR multiple-family residential districts, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than 30 feet. Parking may be permitted within a required side or rear yard but shall not cover more than 30 percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two buildings in all MFR districts is as follows:

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

Where

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L_A = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

L_B = Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

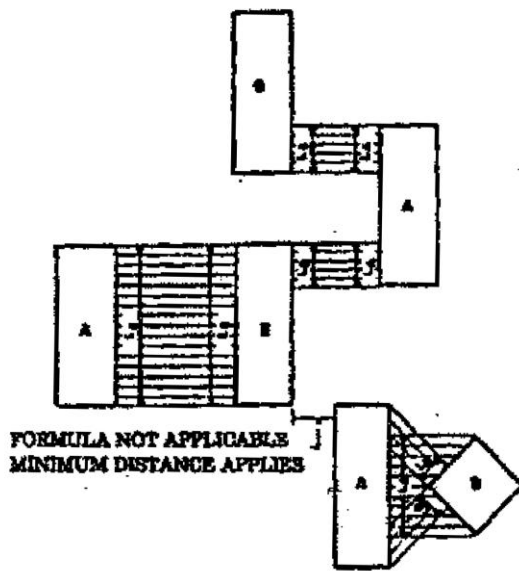
H_A = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the buildings.

H_B = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

- (f) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the major thoroughfare plan.
- (g) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the state construction code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten feet shall be provided. On a corner lot which has a rear yard abutting a residential district, there shall be provided a setback of 20 feet on the residential side street. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten feet on the side bordering the residential district or street.
- (h) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements except in the instance of OS-1 districts loading space shall be provided in the ratio of five square feet per front foot of building. Where an alley exists or is provided at the rear of buildings the rear building setback and loading requirements may be computed from the center of said alley.
- (i) No building shall be closer than 75 feet to any adjacent residential district or to any major thoroughfare.
- (j) Off-street parking shall be permitted in a required side yard setback.
- (k) Off-street parking for visitors, over and above the number of spaces required under section 32-541, may be permitted within the required front yard provided that such off-street parking is not located within 20 feet of the front lot line.



MIN. DISTANCE BETWEEN BUILDINGS

$$= \frac{L_A + L_B + 2(H_A + H_B)}{2}$$

DISTANCE SPACING FOR MULTIPLE DWELLINGS

- (l) No building shall be located closer than 50 feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (m) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six feet high, or with a chainlink type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office, or business district or from a public street.
- (n) All single family and two-family (duplex) residential structures hereafter erected shall be so designed and constructed that the lesser dimension exclusive of eave and overhangs shall not be less than 24 feet and shall have a roof pitch of not less than three on 12, further the overhang on all said structures shall be at least 12 inches. All said structures shall further be permanently attached and affixed to a masonry, stone, block or other suitable foundation constructed in accordance with the then applicable building code. In the event that construction shall be a manufactured, modular, or similar structure, all tongues and similar towing devices and apparatuses shall be permanently removed prior to completion of the structure.

(Comp. Ords. 1987, § 15.1402)

Sec. 32-513. - Average lot size.

The intent of this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in division 13 of this article, schedule of regulations for each one-family residential district. If this option is selected, the following conditions shall be met:

- (1) In meeting the average minimum lot size, the subdivision shall be so designated as not to create lots having an area or width greater than ten percent below that area or width required in the schedule of regulations and shall not create an attendant increase in the number of lots.

- (2) Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
- (3) All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

(Comp. Ords. 1987, § 15.1403)

Sec. 32-514. - Subdivision open space plan.

- (a) The intent of the subdivision open space plan is to promote the following objectives:
 - (1) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - (2) Encourage developers to use a more creative approach in the development of residential areas.
 - (3) Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.
 - (4) Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- (b) Modification to the standards outlined in division 13 of this article, schedule of regulations may be made in the one-family residential districts when the following conditions are met:
 - (1) The lot area in all one-family residential districts which are served by a public sanitary sewer system, may be reduced up to 20 percent. In the R-1 district, this reduction may be accomplished in part by reducing lot widths up to ten feet. In the R-2 districts, this reduction may be accomplished in part by reducing lot widths up to five feet. These lot area reductions shall be permitted, provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each one-family district under division 13 of this article, schedule of regulations. All calculations shall be predicated upon the one-family districts having the following gross densities (including roads):
 - a. R-1: Equals 2.2 dwelling units per acre.
 - b. R-2: Equals 3.8 dwelling units per acre.
 - (2) Rear yards may be reduced to 30 feet when such lots border on land dedicated for park, recreation, and/or open space purposes, provided that the width of said dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot.
 - (3) Under the provisions of subsection (b)(1)a of this section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in division 13 of this article, schedule of regulations, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the village.
 - (4) The area to be dedicated for subdivision open space purposes shall in no instance be less than four acres and shall be in a location and shape approved by the planning commission.
 - (5) The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.
 - (6) This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the legislative body and the subdivider or developer.

- (7) This plan, for reduced lot sizes, shall be started within six months after having received approval of the final plat and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
- (8) Under this subdivision open space approach, the developer or subdivider shall dedicate the total park area at the time of filing of the final plat on all or any portion of the plat.

(Comp. Ords. 1987, § 15.1404)

Secs. 32-515—32-536. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

Sec. 32-537. - Conflicting regulations.

Whenever any provision of this article imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this article shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this article, then the provisions of such law or ordinance shall govern.

(Comp. Ords. 1987, § 15.1501)

Sec. 32-538. - Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.

(Comp. Ords. 1987, § 15.1502)

Sec. 32-539. - Nonconforming lots; uses of land; structures; premises.

- (a) *Intent.* It is the intent of this article to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.
 - (1) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before the ordinance from which this article is derived was passed or amended which would be prohibited, regulated, or restricted under the terms of this article or future amendments.
 - (2) Such uses are declared by this article to be incompatible with permitted uses in the districts involved. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
 - (3) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the ordinance from which this article is derived by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.
 - (4) To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this article is

derived and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction; provided that work shall be diligently carried on until completion of the building involved.

- (b) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this article, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance from which this article is derived. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the zoning board of appeals.
- (c) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of the ordinance from which this article is derived, lawful use of land exists that is made no longer permissible under the terms of this article as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this article is derived;
 - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance from which this article is derived;
 - (3) If such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this article for the district in which such land is located.
- (d) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this article is derived that could not be built under the terms of this article by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (1) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
 - (2) Should such structure be destroyed by any means to an extent of more than 60 percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this article.
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
- (e) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance from which this article is derived, that would not be permitted in the district under the terms of this article, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (1) No existing structure devoted to a use not permitted by this article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this article is derived, but no such use shall be extended to occupy any land outside such building.

- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the zoning board of appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the zoning board of appeals may require conditions and safeguards in accord with the purpose and intent of this article. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
 - (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - (5) When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for six consecutive months or for 18 months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
 - (6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (f) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building; provided that the cubic content of the building as it existed at the time of passage or amendment of the ordinance from which this article is derived shall not be increased. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (g) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted as provided in this article shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
- (h) *Change of tenancy or ownership.* There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

(Comp. Ords. 1987, § 15.1503)

State Law reference— Nonconforming uses or structures, MCL 125.3208.

Sec. 32-540. - Accessory buildings.

- (a) Accessory buildings, except as otherwise permitted in this article, shall be subject to the following regulations:
 - (1) Where the necessary building is structurally attached to a main building it shall be subject to, and must conform to, all regulations of this article applicable to the main building.
 - (2) Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard.
 - (3) An accessory building shall not occupy more than 25 percent of a required rear yard; provided that in a residential district the accessory building shall not exceed the ground floor area of the main building.
 - (4) No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet to any side or rear lot line. In those instances where the

rear lot line is coterminous with an alley right-of-way the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

- (5) No detached accessory building in R-1 and R-2, MFR, B-1 and P-1 districts shall exceed one story or 14 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to board of appeals review and approval if the building exceeds one story or 14 feet in height.
 - (6) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than 20 feet to a street right-of-way line.
 - (7) When an accessory building in any residence or business district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the zoning board of appeals.
 - (8) The parking of a mobile home for periods exceeding two weeks on lands not approved for trailer courts shall be expressly prohibited. All trailer coaches owned by residents of the village and stored on their individual lots shall be stored only within the confines of the rear yard and shall further respect the requirements of this section applicable to accessory buildings, insofar as distances from principal structures, lot lines, and easements are concerned. All trailer coaches parked or stored, shall not be connected to sanitary facilities and shall not be occupied.
 - (9) The use of storage containers, semitrailers, recreational vehicles or manufactured homes used as storage or any other accessory use is permitted only in the LT-IND light industrial district and GEN-IND general industrial district for periods not exceeding 60 days unless approved by the zoning board of appeals. Such storage containers shall be deemed to be accessory building in all zones.
- (b) Trailers and semitrailers may be used as temporary offices and/or tool storage facilities on construction or building sites in any district only as long as the building permit for the project is valid. All noncomplying portable storage facilities shall be removed within 60 days, unless approved under subsection (a)(7) of this section.

(Comp. Ords. 1987, § 15.1504; Ord. No. 33, 6-21-2006)

Sec. 32-541. - Off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- (1) Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this article. Off-street parking shall not be permitted within a front yard nor within a minimum side yard setback unless otherwise provided in this article.
- (2) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (3) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of section 32-540, accessory buildings.

- (4) Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
- (5) Off-street parking existing at the effective date of the ordinance from which this article is derived, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (6) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the zoning board of appeals may grant an exception.
- (8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.
- (10) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (11) For the purpose of computing the number of parking spaces required, the definition of usable floor area in definitions, section 32-3 shall govern.
- (12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Number of minimum parking spaces per unit of measure
<i>Residential</i>	
Residential, one-family and two-family	Two for each dwelling unit.
Residential, multiple-family	Two for each dwelling unit.
Housing for the elderly	One for each two units, and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided.
Mobile home park	Two for each mobile home site and one for each employee of the mobile home park.
<i>Institutional</i>	
Churches or temples	One for each three seats or six feet of pews in the main unit of worship.
Hospitals	One for each one bed.

Convalescent or nursing homes	One for each four beds.
Elementary and junior high schools	One for each one teacher, employee, or administrator, in addition to the requirements of auditorium.
Senior high schools	One for each one teacher, employee, or administrator and one for each ten students, in addition to the requirements of the auditorium.
Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
Golf courses open to the general public, except miniature or "par 3" courses	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use such as a restaurant or bar.
Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
Stadium, sports arena, or similar place of outdoor assembly.	One for each three seats or six feet of benches.
Theaters and auditoriums	One for each three seats plus one for each two employees.
Nursery school, day nurseries or child care centers	One for each 350 square feet of usable floor space.
<i>Business and commercial</i>	
Planned commercial or shopping center	One for each 100 square feet of usable floor area.
Auto wash (automatic)	One for each one employee. In addition, reservoir parking spaces equal in number to five times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some

	phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
Auto wash (self-service or coin operated)	Five for each washing stall in addition to the staff itself.
Beauty parlor or barber shop	Three spaces for each of the first two beauty chairs, and one and 1½ spaces for each additional chair.
Bowling alleys	Five for each one bowling lane plus accessory uses.
Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats	One for each two persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Establishment for sale and consumption on the premises, of beverages, food, or refreshments	One for each 75 square feet of usable floor space or one for each two persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses.	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)
Gasoline service stations.	Two for each lubrication stall, rack, or pit; and one for each gasoline pump.
Laundromats and coin operated dry cleaners	One for each two washing and dry-cleaning machines.
Miniature or "par 3" golf courses	Three for each one hole plus one for each one employee.
Mortuary establishments	One for each 50 square feet of usable floor space.
Motel, hotel, or other commercial lodging establishments	One for each one occupancy unit plus one for each one employee.

Motor vehicle sales and service establishment	One for each 200 square feet of usable floor space of sales room and one for each one auto service stall in the service room.
Retail stores except as otherwise specified herein	One for each 150 square feet of usable floor space.
<i>Offices</i>	
Banks	One for each 100 square feet of usable floor space.
Business offices or professional offices except as indicated in the following item (professional offices of doctors, dentists or similar professions)	One for each 200 square feet of usable floor space.
Professional offices of doctors, dentists or similar professions	One for each 50 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
<i>Industrial</i>	
Industrial or research establishments, and related accessory offices	Five plus one for every 1½ employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Warehouses and wholesale establishments and related accessory offices.	Five plus one for every one employee in the largest working shift, or five plus one for every 1,700 square feet of usable floor space, whichever is greater.

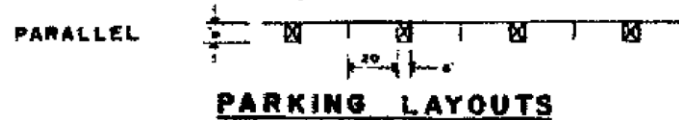
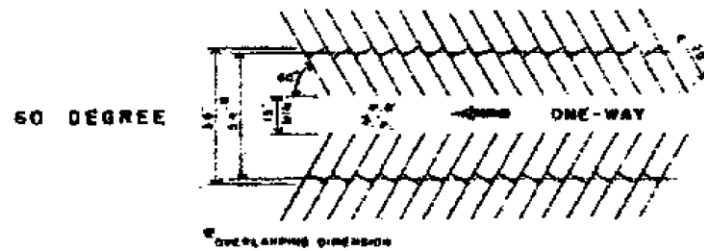
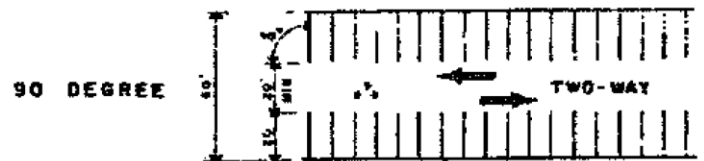
(Comp. Ords. 1987, § 15.1505)

Sec. 32-542. - Off-street parking space layout, standards, construction and maintenance.

Whenever the off-street parking requirements in section 32-541 require the building of an off-street parking facility, or where P-1 vehicular parking districts (division 11 of article III of this chapter) are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed unless and until a permit therefor is issued by the building inspector. Applications for a permit shall be submitted to the building department in such form as may be determined by the building inspector and shall be accompanied with two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements.

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width Of One Tier Of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft - 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft - 6 in.	20 ft.	36 ft. - 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.



- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for

other than single-family residential use shall not be across land zoned for single-family residential use.

- (5) All maneuvering land widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- (6) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
- (7) The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district. When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (8) The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the village engineer. The parking area shall be surfaced within one year of the date the occupancy permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- (9) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- (10) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (11) The planning commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(Comp. Ords. 1987, § 15.1506)

Sec. 32-543. - Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- (1) All spaces shall be provided as required in division 13 of article III, schedule of regulations, under minimum rear yards, except as hereinafter provided for I districts.
- (2) Within an I district all spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent durable and dustless surface. All spaces in I districts shall be provided in the following ratio of spaces to floor area.

Gross floor area (in square feet)	Loading and unloading space required
--------------------------------------	--------------------------------------

0—1,400	None
1,401—20,000	One space
20,001—100,000	One space plus one space for each 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five spaces.

- (3) All loading and unloading in an I district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least 50 feet.

(Comp. Ords. 1987, § 15.1507)

Sec. 32-544. - Uses not otherwise included within a specific use district.

- (a) Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the council under the conditions specified, and after public hearing, and after a recommendation has been received from the planning commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any residential districts, unless otherwise specified.
- (b) These uses require special consideration since they service an area larger than the village or require sizable land areas, creating problems of control with reference to abutting use districts. References to those uses falling specifically within the intent of this section is as follows:
- (1) *Outdoor theaters.* Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in GEN-IND districts only. Outdoor theaters shall further be subject to the following conditions:
- a. The proposed internal design shall receive approval from the building inspector as to adequacy of drainage, lighting and other technical aspects.
 - b. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
 - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
- (2) *Commercial television and radio towers and public utility microwaves, and public utility TV transmitting towers.* Radio and television towers, public utility microwaves and public utility TV

transmitting towers and their attendant facilities shall be permitted in LT-IND and GEN-IND districts provided said use shall be located centrally on a continuous parcel of not less than 1½ times the height of the tower measured from the base of said tower to all points on each property line.

- (3) *Mobile home parks.* Mobile home parks possess site characteristics similar to multiple-family residential development. They are, in this article, used to provide for transition between nonresidential development and multiple-family residential districts. Mobile home parks may, therefore, be permitted within the LT-IND and MFR districts subject to the following conditions:
- a. Locational requirements.
 1. Mobile home parks shall not abut one-family residential districts.
 2. Parcels being proposed for mobile home parks in the LT-IND districts shall not be surrounded on more than three sides by the LT-IND districts, provided further that the mobile home site shall have one entire side abutting an MFR multiple-family district.
 3. Locational requirements in MFR districts.
 - (i) Parcels being proposed for mobile home parks in MFR districts may be permitted when said mobile home park affords a buffer between the remainder of the MFR district and railroads, LT-IND and/or GEN-IND districts. Mobile home parks shall not, therefore, be permitted as a principal use in any MFR district which does not directly abut either a railroad, LT-IND and/or GEN-IND district.
 - (ii) In an MFR district, the mobile home park shall not be any nearer to the outer limits of the MFR district than 450 feet. Outer limits as used here shall not include the edge along a railroad, LT-IND or GEN-IND district.
 - (iii) Access from the mobile home park to the nearest major thoroughfare shall be by means of a public right-of-way of not less than 60 feet in width. No access shall be permitted through a one-family residential district.
 4. The mobile home park shall provide a 12-foot greenbelt between itself and an MFR, LT-IND or GEN-IND district, unless such property is occupied by another mobile home park. The greenbelt shall provide a continuous yearround obscuring screen. A five-foot masonry wall may be substituted for the greenbelt with the approval of the planning commission.
 - b. An open area shall be provided on each mobile home lot, to ensure privacy, adequate natural light and ventilation to each home and to provide sufficient area for outdoor uses essential to the mobile home. All lots shall contain a minimum area of at least 3,000 square feet. All mobile home site areas shall be computed exclusive of service drives, facilities and recreation space.
 - c. The sum of the side yards at the entry side and nonentry side of a mobile home stand shall be not less than 20 feet; provided, however, there shall be a side yard of not less than 15 feet at the entry side of the mobile home stand and a side yard of not less than five feet at the nonentry side of the mobile home stand. There shall be a rear yard of not less than five feet at the rear end of the stand and a front yard of not less than ten feet of the front end of the mobile home stand. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimums above are maintained at all points in the side yard.
 - d. No mobile home shall be located closer than 50 feet to the right-of-way line of a major thoroughfare, or 20 feet to any mobile home park property line.
 - e. The mobile home park shall have access to a major thoroughfare by directly abutting thereon.
 - f. All mobile home park developments shall further comply with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

- g. No building or structure hereafter erected or altered in a mobile home park shall exceed one story or 14 feet in height.

(Comp. Ords. 1987, § 15.1508)

Sec. 32-545. - Plant materials.

Whenever in this chapter a greenbelt or planting is required, it shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

(1) *Plant material spacing.*

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

(2) *Suggested plant materials.*

- a. Evergreen trees (minimum five feet in height):
 - Hemlock
 - Douglas-Fir
 - Fir
 - Juniper
 - Pine
 - Spruce
- b. Narrow evergreens (minimum three feet in height):
 - Column Hinoki Cypress
 - Blue Columnar Chinese Juniper
 - Pyramidal Red-Cedar
 - Swiss Stone Pine
 - Pyramidal White Pine
 - Irish Yew
 - Douglas Arbor-Vitae
 - Columnar Giant Arbor-Vitae
- c. Tree-like shrubs (minimum four feet in height):
 - Dogwood
 - Flowering Crab
 - Hawthorn
 - Hornbeam

Magnolia
Mountain Ash
Redbud
Rose of Sharon
Russian Olive

d. Large deciduous shrubs (minimum six feet in height):

Buckthorn
Cotoneaster
Evonymus
Forsythia
Hazelnut
Honeysuckle
Lilac
Mock-Orange
Ninebark
Privet
Sumac
Viburnum

e. Large deciduous trees (minimum eight feet in height):

Beech
Birch
Ginkgo
Hackberry
Hard Maple
Honeylocust
Hop Hornbeam
Linden
Oak
Planetree (Sycamore)
Sweet-Gum

f. Trees not permitted.

Box Elder
Soft Maples (Red-ilver)
Elms
Poplars
Willows
Horse Chestnut nut bearing)
Tree of Heaven
Catalpa

(Comp. Ords. 1987, § 15.1509)

Sec. 32-546. - Exterior lighting.

- (a) All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- (b) All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots.

- (c) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- (d) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
- (e) All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

(Comp. Ords. 1987, § 15.0511)

Sec. 32-547. - Residential entranceway.

In all residential districts, so called entranceway structures including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in section 32-548, corner clearance, provided that such entranceway structures shall comply to all codes of the village, and shall be approved by the building department and a permit issued.

(Comp. Ords. 1987, § 15.1512)

Sec. 32-548. - Corner clearance.

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(Comp. Ords. 1987, § 15.1513)

Sec. 32-549. - Walls.

- (a) For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required in this subsection (except otherwise required in subsection (d) of this section):

Use	Requirements
P-1 vehicular parking district	4' 6" high wall
Off-street parking area (other than P-1 districts)	4' 6" high wall
B-1, B-2, and B-3 districts	4' 6" high wall

LT-IND and GEN-IND districts-open storage areas, loading or unloading areas, service areas	4' 6" to 8' high wall or fence. (Height shall provide the most complete obscuring possible.) (See section 32-382(4) and section 32-549(e)).
Auto wash, drive-in restaurants	6' 0" high wall.
Hospital-ambulance and delivery areas	6' 0" high wall
Utility buildings, stations and/or substations	6' 0" high wall

- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this article requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the zoning board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the zoning board of appeals in reviewing such request.
- (c) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this article and except such openings as may be approved by the chief of police and the building inspector. All walls herein required shall be constructed of materials approved by the building inspector to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20 percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the building inspector.
- (d) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential districts shall not be required when such areas are located more than 200 feet distant from such abutting residential district.
- (e) The zoning board of appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches in height, except where section 32-548 applies.
- (1) In consideration of request to waive wall requirements between nonresidential and residential districts, the board shall refer the request to the planning commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.
 - (2) In such cases as the planning commission determines the residential district to be a future nonresidential area, the board may temporarily waive wall requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, providing that the planning commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the board.

(Comp. Ords. 1987, § 15.1514)

Sec. 32-550. - Fences; residential.

Fences are permitted, or required subject to the following:

- (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.
- (2) Recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet and acreage or parcels not included within the boundaries of a recorded plat in all residential districts, are excluded from these regulations.
- (3) Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
- (4) Fences which enclose public or institutional parks, play grounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.

(Comp. Ords. 1987, § 15.1515)

Sec. 32-551. - Site plan review; all districts.

- (a) A site plan shall be submitted to the planning commission for approval of:
 - (1) Any use or development for which the submission of a site plan is required by any provision of this article.
 - (2) Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 32-541, off-street parking requirements.
 - (3) Any use in an MFR, B-1, B-2, B-3, CBC, ES, LT-IND, or GEN-IND district lying contiguous to, or across a street from, a single family residential district.
 - (4) Any use except single-family or two-family residential which lies contiguous to a major thoroughfare or collector street.
 - (5) All residentially related uses permitted in single-family district such as, but not limited to, churches, schools, and public facilities.
 - (6) Building additions or accessory buildings shall not require planning commission review unless off-street parking in addition to that already provided on the site is required.
- (b) Every site plan submitted to the planning commission shall be in accordance with the requirements of this article. No site plan shall be approved until same has been reviewed by the building department in coordination with the fire department and the police department, for compliance with the standards of the respective departments.
- (c) The following information shall be included on the site plan:
 - (1) A scale of not less than one inch to 50 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.
 - (2) Date, north point and scale.
 - (3) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.

- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
 - (5) The location of all existing and proposed drives and parking areas.
 - (6) The location and right-of-way widths of all abutting streets and alleys.
 - (7) The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.
- (d) In the process of reviewing the site plan, the planning commission shall consider:
- (1) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - (2) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - (3) The planning commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - (4) In those instances wherein the planning commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the planning commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the planning commission may recommend that money be placed in escrow with the village so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the village clerk.

(Comp. Ords. 1987, § 15.1516)

State Law reference— Submission and approval of site plan, MCL 125.3501.

Sec. 32-552. - Frontage on a public street.

No lot shall be used for any purpose permitted by this article unless said lot abuts a public street, unless otherwise provided for in this article.

(Comp. Ords. 1987, § 15.1517)

Sec. 32-553. - Access to major thoroughfare or collector street.

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare, freeway service drive, or collector street; provided, however, that access driveways may be permitted to other than a major thoroughfare, freeway service drive, or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare, freeway service drive, or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future. This exception shall apply only if the planning commission finds that there are

special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

(Comp. Ords. 1987, § 15.1518)

Sec. 32-554. - Adult oriented businesses.

(a) *Purpose.* The purpose and intent of this section is to regulate the location of adult businesses in the village by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the village recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The village recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult bookstore means an establishment which excludes minors, as defined in Public Act No. 79 of 1971 (MCL 722.51 et seq.), and has, as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion pictures films and/or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material which exceeds 35 percent of the floor area of the establishment.

Adult business, significant portion, means a business where a significant portion of the stock in trade or services provided meets at least one of the following criteria:

- (1) 35 percent or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined herein.
- (2) 35 percent or more of the usable floor area of the building, in which the adult business is located, is used for the sale, display and/or provision of services classified as adult materials and/or services, as defined herein.
- (3) The advertising (signs, publications, television, radio, and other media) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.

Adult businesses means adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof which meets all other criteria of this article as used in this section.

Adult cabaret means an establishment, which may or may not include the service of food or beverages, having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas as defined herein.

Adult movie theater means an establishment, in a completely enclosed building or room, which excludes minors, as defined in Public Act No. 79 of 1971 (MCL 722.51 et seq.), and offers, for an admission fee, membership fee or other valuable consideration, the viewing of motion picture films, videotapes, pictures or photographs, cable television, satellite transmissions or the visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

Adult novelties means objects, items, and/or devices offered for sale which are designed for sexual stimulation or which stimulate human genitals.

Adult personal service business means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios, personal dance rooms, and conversation parlors.

Buttock includes the perineum and anus of any person.

Massage means offering for sale through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another. Services provided by licensed, insured, therapeutic massage professionals, fall outside of the parameters of this article.

Massage parlor means an establishment wherein private massage is practiced, used or made available as a principal use of the premises.

Nude modeling studio means a place, which offers as its principal activity the providing of models to display, specified anatomical areas, as defined herein, for artists and photographers for a fee.

Offered for sale means offered in exchange for money, membership fee or any other valuable consideration.

Sexual intercourse includes genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body.

Sodomy means any abnormal sexual act between humans, including humans with animals.

Specified anatomical areas means:

- (1) Human male genitals in a discernable turgid state, even if completely and opaquely covered, or less than completely covered;
- (2) Female breasts below a point immediately above the top of the areola;
- (3) Human genitalia and the pubic region; and
- (4) A buttock and anus.

Specified sexual activities are defined as:

- (1) Acts of human masturbation, sexual intercourse or sodomy;
- (2) Fondling or other erotic touching of human genitalia, a pubic region, a buttock, an anus or a female breast.
- (3) Human genitalia in a state of sexual stimulation or arousal.

(c) *Location and uses.* Any existing building or land, or new building hereinafter erected, converted or structurally altered, used for an adult business, shall meet all of the following conditions:

- (1) Adult businesses, as defined herein, must be located in the C-1 commercial and business district subject to the requirements of this section.
- (2) No adult business, as defined herein, shall be permitted within a 1,500-foot radius of an existing adult business. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
- (3) No adult business, as defined herein, shall be permitted within the official zoning map and defined in this zoning chapter. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
- (4) No adult business, as defined herein, shall be located in any principal or accessory structure already containing a sexually oriented business.

- (5) No adult business, as defined herein, shall be permitted within a 1,500-foot radius of a school, library, park, playground, licensed group day care center, church convent monastery, synagogue or similar place of worship, or other place of public congregation. Measurement of the 1,500-foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated including adjoining governmental jurisdiction.
 - (6) An application to establish an adult entertainment activity shall not be approved if the proposed location is within 1,500 feet of any residentially zoned district, trailer park, licensed day care center, adult foster care home, senior citizens' center, kindergarden through 12 school, park or church, excepting as otherwise provided for within this article.
 - (7) The village council may waive the locational standards limiting adult entertainment activities as they relate to similar uses if the following findings are made:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of the article will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a skid row area.
 - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
 - d. That all applicable regulations of this Code will be observed.
 - (8) The village council may waive the locational standards limiting adult entertainment activities as they relate to residentially zoned districts, licensed day care centers, adult foster care homes, senior citizen centers, trailer parks, kindergarden through 12 schools, parks or churches; provided that a validated petition requesting such a waiver, signed by the owners or purchasers of at least 51 percent of parcels of land within 2,640 feet of the proposed location is presented to the village council. The circulated petition shall contain the following:
 - a. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
 - b. The petition will be so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature.
 - c. For the purpose of this section, parcels of land shall equate to the permanent parcel numbers assigned by the local government to all property within the said 2,640 feet.
 - (9) An applicant requesting a waiver of locational requirements shall file an application with the zoning official; however, the zoning official shall not accept an application for the waiver of locational requirements for an adult entertainment activity as they relate to residentially zoned districts, licensed day care centers, adult foster care homes, senior citizen centers, trailer parks, kindergarden through 12 schools, parks, or churches without a petition as required herein. Said petition shall be validated by the zoning administrator. The zoning administrator shall then notify the village council of the receipt of the requests and petition within 15 days of filing.
 - (10) Prior to the granting of a waiver of locational requirements, the village council may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- (d) *Miscellaneous requirements.* In addition to compliance with the other provisions of this article, the following requirements apply to regulated uses:
- (1) Existing structures and/or uses which are in violation of this section shall be subject to the regulations set forth in section 32-539, governing nonconforming structures and uses.

- (2) All off-street parking areas shall comply with sections 32-541 and 32-542. Additionally, any regulated use business parking area shall be illuminated during all hours of operation, and until one hour after the business closes.
- (3) The hours of operation of any regulated use business shall be limited to 10:00 a.m. to 2:00 a.m., Monday through Saturday.
- (4) No person operating a regulated use business shall permit any person under the age of 18 years of age to be on the premises. It is the responsibility of the management of the establishment to verify that all persons on the premises are at least 18 years of age.
- (5) Alcohol is prohibited on the premises of any regulated use business.
- (6) No person shall reside in or permit any person to reside in the premises of a regulated use.
- (7) The merchandise or activities of the establishment shall not be visible from any point outside the establishment.
- (8) The exterior portions of the establishment or signs shall not have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this article.
- (9) Sign and property illumination shall meet the following conditions:
 - a. No sign shall be illuminated by other than electrical means and all wiring shall satisfy village electrical codes.
 - b. The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or onto abutting public streets.
 - c. Flashing signs. No sign or any part thereof shall move nor shall the illumination of any sign or any part of such illumination be anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of the sign illumination of any bulb or component part thereof is prohibited.
 - d. No portion of the sign shall have a luminance greater than one foot candle measured at four feet perpendicular to any surface.
- (10) Entrances to a proposed regulated use business must be posted on the parking lot entrance, as well as exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height, indicating that:

"Persons under the age of 18 are not permitted to enter the premises"

and

"No alcoholic liquors of any type are permitted within the premises."

- (11) Regulated uses shall conform to all standards of the zoning district.
- (12) Regulated uses shall comply with all other laws and ordinances applicable to the particular type of uses, including without limitation, certification and licensing laws.

(Comp. Ords. 1987, § 15.1519)

Secs. 32-555—32-571. - Reserved.

ARTICLE V. - GENERAL EXCEPTIONS

Sec. 32-572. - Area, height and use exceptions.

The regulations in this article shall be subject to the following interpretations and exceptions.

(Comp. Ords. 1987, § 15.1601)

Sec. 32-573. - Essential services.

Essential services serving the village shall be permitted as authorized and regulated by law and other ordinances of the village. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the village shall receive the review and approval, after a public hearing, of the zoning board of appeals. Such review of the zoning board of appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the village.

(Comp. Ords. 1987, § 15.1602)

Sec. 32-574. - Voting place.

The provisions of this article shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a village or other public election.

(Comp. Ords. 1987, § 15.1603)

Sec. 32-575. - Height limit.

The height limitations of this article shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the zoning board of appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

(Comp. Ords. 1987, § 15.1604)

Sec. 32-576. - Lot area.

Any lot existing and of record on the effective date of the ordinance from which this article is derived may be used for any principal use permitted in the district which such lot is located, other than conditional uses for which special lot area requirements are specified in this article, whether or not such lot complies with the lot area and width requirements of this article. Such use may be made provided that all requirements other than lot area and width prescribed in this article are complied with, and provided that not more than one dwelling unit shall occupy and lot except in conformance with the provisions of this article for required lot area for each dwelling unit.

(Comp. Ords. 1987, § 15.1605)

Sec. 32-577. - Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this article, one-half the width of such alley abutting the lot shall be considered as part of such lot.

(Comp. Ords. 1987, § 15.1606)

Sec. 32-578. - Yard regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography, or due to architectural or site arrangement, such regulations may be modified or determined by the zoning board of appeals.

(Comp. Ords. 1987, § 15.1607)

Sec. 32-579. - Porches.

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten feet, but this shall not be interpreted to include or permit fixed canopies.

(Comp. Ords. 1987, § 15.1608)

Sec. 32-580. - Projections into yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet.

(Comp. Ords. 1987, § 15.1609)

Sec. 32-581. - Access through yards.

For the purpose of this article, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this article not be considered to be a structure, and shall be permitted in any required yard.

(Comp. Ords. 1987, § 15.1610)

Sec. 32-582. - Lots having water frontage.

Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the zoning board of appeals. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building providing the front yard setback required in division 13 of article III is met.

(Comp. Ords. 1987, § 15.1611)

Secs. 32-583—32-612. - Reserved.

ARTICLE VI. - SIGNS^{[12](#)}

Footnotes:

Editor's note—

Sec. 32-613. - Definitions.

The definitions in this section are unique to the provisions of this article.

Abandoned sign: A sign which no longer identifies or advertises a bona fide business.

Banner sign: A sign made of fabric or any non-rigid material with no enclosing framework.

Billboard: See off-premise sign.

Changeable copy sign (automatic): A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g. electrical or electronic time and temperature units.

Changeable copy sign (manual): A sign on which copy is changed manually in the field, e.g. reader boards with changeable letters.

Construction sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Directional sign: A sign, which gives a name, place, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.

Double-faced sign: A sign with two faces.

Electronic message center: (See "changeable copy sign, automatic")

Festoon: A carved or painted ornament in the form of a garland of fruit and flowers tied with ribbons and suspended at both ends in a swag or loop.

Flashing sign: A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light on any building (compare "animated sign," "changeable copy sign").

Free-standing sign: A sign supported upon the ground by poles or braces and not attached to any building.

Government sign: Any temporary or permanent sign erected and maintained by the township, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Height (of a sign): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Identification sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal sign: A sign which does not meet requirements of this code and which has not received legal nonconforming status.

Maintenance: For the purposes of this article, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard: A roof having two slopes on all four sides with the lower slope almost vertical and the upper almost horizontal.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare "awning").

Marquee sign: Any sign attached to or supported by a marquee structure.

Nameplate: A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming sign: (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. (2) A sign which does not conform to the sign code requirements but for which a special permit has been issued.

Off-premise sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g. "billboards" or "outdoor advertising."

On-premise sign: A sign which pertains to the use of the premises on which it is located.

Painted wall sign: A sign which is applied with paint or similar substance on the face of a wall or window.

Political sign: For the purposes of this article, a temporary sign used in connection with a local, state, or national election or referendum.

Portable sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Real estate sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof sign: Any sign erected over or on the roof of a building (compare "mansard," "wall signs").

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

Sign, area of:

- (1) *Projecting and free-standing:* The area of a free-standing or projecting sign shall have only one face (the largest one) of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:
 - a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments, such as pole covers, framing, decorative roofing, etc. provided that there is not written advertising copy on such embellishments.
 - b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
- (2) *Wall signs:* The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Subdivision identification sign: A free-standing or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary sign: A sign not constructed or in compliance with the building code or intended for long-term use.

Use districts: Need a table to clarify.

Wall sign: A sign attached parallel to and extending not more than 4 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

(Ord. of 11-13-2012)

Sec. 32-614. - General conditions.

(a) *Location.*

- (1) All signs must advertise a business or service on the sites upon which the sign is located and to which the sign is accessory, unless otherwise specified in this section.
- (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (3) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, or prevent ventilation.
- (4) No sign or associated landscaping shall be erected, placed or allowed to grow on corner lots so as to impede the vision between a height of two and one-half feet and ten feet above the centerline elevation of the intersecting streets within an area bounded by the right-of-way lines and a line joining such right-of-way lines 50 feet from their point of intersection (see diagram).
- (5) Setbacks shall be measured from the street right-of-way to the nearest surface or point of the sign to the right-of-way.

(b) *Illumination.*

- (1) No sign shall be illuminated by other than electrical means and all wiring shall satisfy village electrical codes.
- (2) The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or onto abutting public streets.
- (3) Flashing signs: No sign or any part thereof shall move nor shall the illumination of any sign or any part of such illumination be anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of the sign illumination of any bulb or component part thereof is prohibited except for a public service sign.
- (4) No portion of the sign shall have a luminance greater than one foot candle measured at four feet perpendicular to any surface.
- (5) It is strongly recommended that all signs with internal illumination provide a dark background with lighter colored message units.

(c) *Safety.*

- (1) All signs shall be erected and maintained in compliance with all applicable building codes and other applicable ordinances governing construction within the village. In the event of conflict between this division and other laws, the most restrictive shall govern.
- (2) All signs shall be designed, located, erected and maintained in a manner which shall:
 - a. Avoid hazard due to collapse, fire, collision, decay or abandonment;
 - b. Not obstruct firefighting or police surveillance;
 - c. Avoid traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read street signs.

(d) *Communications efficiency.* All signs shall promote the efficient transfer of information by giving priority to the messages and information most needed and sought.

(e) *Landscape quality and preservation.* In the application of this division, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- (1) Do not interfere with scenic views.

- (2) Are not detrimental to land or property values.
 - (3) Contribute to the special character and historical significance of particular areas or districts in the village.
 - (4) Do not create a nuisance to person using the public right-of-way.
 - (5) Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height or movement.
- (f) *Signs prohibited in all districts.* Signs that are not specifically listed are prohibited. Examples of such signs include, but are not limited to, the following:
- (1) Roof signs or signs that project above or beyond the highest point or parapet.
 - (2) Signs containing flashing, intermittent or moving lights or with moving or revolving parts. This subsection is not intended to exclude those signs which give the time and temperature, provided that no other animated messages are displayed.
 - (3) Signs affixed to trees, rocks, shrubs or similar natural features, provided that signs denoting a site of historic significance may be allowed.
 - (4) Signs which imitate traffic signals, traffic direction signs or similar traffic control devices.
 - (5) Temporary signs mounted upon trucks, vans or other wheeled devices that do not identify the owner's occupation or livelihood. Signs permanently painted or otherwise permanently displayed, including magnetic signs, upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted.
 - (6) Signs in the public right-of-way or on public property, unless specifically approved by the village council.
 - (7) Any sign or sign structure which:
 - a. Is structurally unsafe, inadequately maintained or dilapidated;
 - b. Remains on the premises 30 days after a business ceases to operate or moves from the location;
 - c. Is not kept in good repair; or
 - d. Is capable of causing electrical shocks to persons likely to come in contact with it.
 - (8) Signs which make use of words such as "stop," "look," "danger" or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (9) Any sign or other advertising structure containing any obscene, indecent or immoral matter.
 - (10) Any sign unlawfully installed, erected or maintained.
- (g) *Signs permitted in all districts.*
- (1) Nameplates and house numbers not exceeding two square feet in size; memorial signs or tablets may be up to six square feet in size. Historical markers and cemetery stones shall be excluded from the square foot requirement.
 - (2) Political signs advocating or opposing candidates for public office or issue to be determined by election may be erected 45 days prior to an election. Such signs shall be erected on private property only and no less than 100 feet from any entrance to a building in which a polling place is located. All such signs shall be removed five days following Election Day.
 - (3) Directional signs which indicate the direction of traffic flow. Directional signs shall not exceed two square feet in size, shall contain no advertising and may be illuminated.
 - (4) Decorative signs or displays used temporarily for holidays, patriotic occasions or public, governmental or charitable purposes or events.

- (5) Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies.

(Ord. of 11-13-2012)

Sec. 32-615. - Purpose and intentions of central business district signs.

- (a) Business center signs are meant primarily to inform the motoring public of the existence of the center, not to advertise particular products, sales, or detailed descriptions of goods or services offered.
- (b) All signage within a business center shall be unified as to design.
- (c) All signs shall be internally illuminated, if illuminated.

(Ord. of 11-13-2012)

Sec. 32-616. - Permitted freestanding signs.

The following freestanding signs shall be permitted in the following districts in accordance with the regulations of this section. Freestanding signs located on property fronting on St. Joseph and Paw Paw Streets are further subject to the Michigan Department of Transportation regulations.

- (1) Permitted freestanding signs within the C-1 central business district (see diagram) are as follows:
 - a. Only one freestanding sign shall be erected on any business premises.
 - b. A freestanding sign may be located at the property line but may not project into the public right-of-way.
 - c. A freestanding sign shall not exceed 12 feet in height when located at the property line. An additional height of one foot for each one foot of setback from the property line is permitted. However, in no case shall the height of a freestanding sign exceed 20 feet of the height of the building as defined in article I of this chapter, whichever is greater.
 - d. A freestanding sign shall not exceed 25 square feet per side in area. Additional area of one square foot for each one foot of setback from the property line is permitted. However, in no case shall the area of a freestanding sign exceed 50 square feet per side, or a total area of 100 square feet.
- (2) Permitted freestanding signs within the general commercial (C-2), highway service commercial (C-3), the office (O) and the industrial (I-1) districts are as follows:
 - a. Only one freestanding sign shall be erected on any business premises.
 - b. A freestanding sign may be located no closer than ten feet from the property line.
 - c. A freestanding sign shall not exceed 20 feet in height when located ten feet inside the property line. An additional height of one foot for each one foot of setback from the property line is permitted. However, in no case shall the height of a freestanding sign exceed 25 feet or the height of the building as defined in this chapter, whichever is greater.
 - d. A freestanding sign shall not exceed 100 square feet per side in area.
- (3) Permitted freestanding signs for the following conditional uses: churches; public buildings; cemeteries; parks; private and public schools; child care centers; swimming pool clubs; private recreation areas and institutional or community recreation centers; golf courses; colleges, universities and other institutions of higher learning; hospitals; convalescent and/or nursing homes; and village limit signs are as follows:
 - a. Only one freestanding sign shall be erected on any business premises.

- b. A freestanding sign may be located no closer than ten feet from the property line.
 - c. A freestanding sign shall not exceed eight feet in height when located at the ten-foot setback.
 - d. A freestanding sign shall not exceed 20 square feet per side in area, not to exceed a total area of 40 square feet.
- (4) Permitted freestanding signs for single-family residential subdivision developments, manufactured home parks, planned residential unit developments, multiple-family developments and housing for the elderly are as follows:
- a. Only one freestanding sign shall be erected on any developed area or project.
 - b. A freestanding sign may be located no closer than ten feet from the property line.
 - c. A freestanding sign shall not exceed eight feet in height when located at the ten-foot setback.
 - d. A freestanding sign shall not exceed nine square feet per side in area, not to exceed a total area of 18 square feet.

(Ord. of 11-13-2012)

Sec. 32-617. - Permitted wall signs.

The following wall signs shall be permitted in the following districts in accordance with the regulations of this section:

- (1) Special requirements for all wall signs are as follows:
 - a. The total area of all tenants signs within a business site shall not exceed two square feet of sign for each lineal foot of building width. Wall signs shall be set back a minimum of one foot from the building edge.
 - b. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.
 - c. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws according to applicable building code. In no case shall any wall sign be secured with wire, strips of wood or nails.
 - d. Buildings which have frontage on more than one public right-of-way shall be allowed one sign on each right-of-way, with a maximum of 100 square feet per sign.
 - e. A sign which has lettering or other material on both sides of the same surface shall nevertheless be deemed to be a single sign for all purposes under this article.
- (2) Permitted wall signs within the central business (C-1) zoning district are as follows:
 - a. Each tenant within a business site may have one wall sign displayed on the exterior wall of that building.
- (3) Permitted wall signs within the general commercial (C-2), highway service commercial (C-3), the office (O) and the industrial (I-1) zoning districts are as follows:
 - a. Each tenant within a business site may have one wall sign displayed on the exterior walls of that building.
 - b. No single wall sign may exceed 100 square feet in area.
- (4) Permitted wall signs for home occupations and the following conditional uses: churches; public buildings; cemeteries; parks; private and public schools; swimming pool clubs; private recreation areas and institutional or community recreation centers; golf courses; colleges, universities and

other institutions of higher learning; hospitals; and convalescent and/or nursing homes are as follows:

- a. Each tenant within a business site may have one wall sign displayed on the exterior wall of that building.
 - b. No single wall sign may exceed 30 square feet in area.
 - c. One non-illuminated sign not exceeding nine square feet shall be permitted for a home occupation.
- (5) Permitted wall signs for multiple-family developments and housing for the elderly are as follows:
- a. There shall be no more than one wall sign permitted for each project, except projects which have frontage on two public rights-of-way may have one wall sign on each frontage.
 - b. The surface area of a wall sign or combination of wall signs shall not exceed a total of 30 square feet.

(Ord. of 11-13-2012)

Sec. 32-618. - Permitted marquee signs.

Marquee signs may be substituted, in whole or part, for permitted wall signs. The total number and surface area of marquee signs combination of marquee signs or combination of marquee and wall signs shall comply with the requirements set forth elsewhere in this article.

(Ord. of 11-13-2012)

Sec. 32-619. - Awnings and canopies; requirements, prohibitions.

- (a) *Construction materials for awnings.* Awnings may be constructed of cloth or metal, provided, that all frames and supports must be of metal. The traditional wood frame construction may be used with awnings upon complying with the building code.
- (b) *Construction materials for canopies.* Canopies may be constructed of cloth or metal hood, provided that all frames and supports must be of metal.
- (c) *Location.* All awnings shall be constructed or erected so that the lowest portion thereof is not less than eight (8) feet above the level of the sidewalk or public thoroughfare including variance. Canopies shall be erected so that the lowest portion thereof is not less than nine (9) feet above the level of the sidewalk or public thoroughfare.
- (d) *Setback line.* No awning shall be permitted to extend beyond five (5) feet over public sidewalk or a point two (2) feet inside the curb line, whichever is more restrictive.
- (e) *Awning support.* Every awning shall be secured to and supported by the building. No posts or columns are permitted beyond the building line.
- (f) *Canopy support.* No canopy shall be supported by framework resting on public right-of-way.
- (g) *Advertising.* No advertising shall be placed on any awning or canopy except the name of the owner, business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed flush on the awning or canopy, but only if the combination of all signs on the building front do not exceed the maximum allowable area for wall signs.
- (h) *Rolling, folding awnings.* Every awning shall be rolled or folded against the building wall except when serving as protection from such sun, rain, snow, or other inclement weather.

(Ord. of 11-13-2012)

Sec. 32-620. - Interior window signs.

Interior window signs shall be permitted in the central business (C-1), general commercial (C-2), and highway service commercial (C-3) zoning districts. Interior window signs permitted on each floor level shall not exceed 50 percent of the window area on each floor level.

(Ord. of 11-13-2012)

Sec. 32-621. - Signs in PUD zoning district.

Signs in the planned unit development district shall be permitted only in accordance with the PUD governing division. Signs in any PUD shall be located and designed within the PUD site plan. Changes in signage shall require an amendment to the PUD in accordance with the Code.

(Ord. of 11-13-2012)

Sec. 32-622. - Permitted temporary signs.

The following temporary signs shall be permitted in accordance with the regulations enumerated in this section as follows:

(1) *Permitted real estate.*

- a. One non-illuminated sign used for advertising land or buildings for rent, lease or sale shall be permitted in any district, provided that such signs are located on the property intended to be rented, leased or sold. Such signs shall not exceed an area of six square feet and a height of four feet in all single-family residential districts and an area of 20 square feet and a height of 12 feet in all other districts.
- b. One non-illuminated freestanding sign listing persons or firms connected with construction work being performed or a residential or commercial subdivision under development. Such signs shall not exceed 20 square feet in area and a height of 12 feet.

(2) *Permitted portable temporary signs.*

- a. A portable temporary sign shall be permitted in the C-1, C-2 and C-3 zoning districts.
- b. Only one portable temporary sign shall be permitted per premises.
- c. A portable temporary sign shall not exceed four feet in height.
- d. A portable temporary sign shall not exceed 32 square feet per side in area.
- e. A portable temporary sign may be permitted for up to a thirty-day period, not to exceed two times per year.
- f. The placement of a portable temporary sign shall be approved by the village administrator or designated representative in order to ensure safe and efficient pedestrian and vehicular traffic movement.

(3) *Permitted garage sale signs.*

- a. Garage sale signs shall not exceed four square feet in size.
- b. Garage sale signs shall not be placed in any manner on public property. They may only be placed on private property with the consent of the property owner, and cannot be placed on any property located more than 1,000 feet from the place of sale.
- c. No garage sale signs may be put up more than five days prior to the date of the sale and must be taken down within one day following the sale.

- d. A garage sale sign may be permitted for up to a five-day period, not to exceed three times per year. All starting and ending dates of the sale shall be posted on the sign.
- (4) *Banners, pennants, balloons, and light strings* when used in connection with a lawful business are permitted on a temporary basis if a permit has been issued by the zoning administrator. Such a permit issued by the zoning administrator may authorize temporary use of banners and pennants for duration not to exceed 30 days in any calendar year.
- (5) *Total square footage allowed.* The combined square footage of all the temporary and permanent signs shall not exceed the total size of signage permitted in the permanent wall sign section for a given facade.
- (6) *Removal of temporary signs.* Property owners where temporary signs do not conform to the provisions of this section or other sections of this division shall receive a written notification of the non-conformance and be given ten days to correct said non-conformance. If nonconforming signs remain after the ten days the village may remove those signs, assess fees for removal and destroy signs if not claimed within 30 days.
- (7) *Temporary signs* for businesses may be approved by an annual sign permit.

(Ord. of 11-13-2012)

Sec. 32-623. - Freestanding pylon signs.

In the C-2, C-4, I-1 and I-2 districts, any permitted use may erect one freestanding pylon sign, provided [that] all of the following conditions are met:

- (1) The principal building sets back at least 25 feet more than the district setback requirement and is located on a lot of 90 feet or more in width.
- (2) The total area of one side of such pylon or freestanding sign shall be at a ratio of two square feet for each linear foot of setback of the building beyond the district setback requirement, in no case exceeding 150 square feet.
- (3) The sign structure shall be located not closer than seven feet to the front street right-of-way and at least 40 feet from any adjacent property, except for uses regulated elsewhere in this article.
- (4) The sign background shall not be higher than the principal building nor closer than ten feet to grade level.
- (5) Any use located within 1,000 feet of a limited access highway interchange may erect a pylon sign of such height as to be visible from the travel lanes of said highway, provided that such sign shall set back from any street or property line a distance equal to its height. The area of such sign shall not exceed 300 square feet on each side.

(Ord. of 11-13-2012)

Sec. 32-624. - Off-site signs.

Off-premises (third party or outdoor advertising) signs including billboards shall be restricted to district Ila (light industrial). They shall not be permitted on wall or roof locations. They shall also be subject to the following restrictions:

- (1) Off-site signs shall be allowed only in the C-2 and C-4 districts.
- (2) The maximum area per sign face of an off-site sign shall not exceed:
- a. One hundred square feet if the sign is located within a C-2 district.
- b. Four hundred square feet if the sign is located in a C-4 district.

- (3) Off-premises signs can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.
- (4) Off-premises signs on the same street facing the same traffic flow shall not be placed closer together than 300 feet.
- (5) Off-site signs shall comply with the height limitations of this article for the respective zoning districts in which the signs are located.
- (6) Advertising signs or structures having an area of more than 100 square feet shall not be erected within 50 feet of any public street or highway.

(Ord. of 11-13-2012)

Sec. 32-625. - Directional signs.

All directional signs for orientation of the general public, when erected by the township, county or state, shall be permitted in all districts.

- (a) *Permits procedure.* The application for a permit to construct or locate a permanent sign shall be obtained from the zoning administrator or the Lawrence's Village office. For the purposes of this section "alteration" shall mean any changes to the existing sign, including the copy, advertise, or identify another use. Alteration shall not mean normal maintenance of a sign. The application shall include the following information:
 - (1) Name, address, telephone number of the applicant or the builder's name and address installing the sign(s), tax ID number or legal description of the parcel where the sign(s) will be located, and the signature of the applicant or the person erecting the sign.
 - (2) The permit fees required shall be established by the Village Council of Lawrence.
 - (3) A drawing, minimum paper size of 8 ½" x 11", of the property at a scale of, not less than one inch equals 50 feet showing the following: location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road right-of-way, entrances, and exits onto the subject property and approximate location of the proposed sign(s).
 - (4) A drawing of the proposed sign(s) depicting its design, lettering, method of illumination, and other relevant information. The dimensions of the height, length, width of the sign(s), height between ground elevation and bottom of the sign shall be noted.
 - (5) In case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building and sign shall be depicted. No more than 10% of the wall frontage shall be used for a wall sign.
 - (6) The proposed dates of construction and completion of the sign.
 - (7) Other information or data that may be required by the zoning administrator.
 - (8) In the case of a temporary sign, the length of time the proposed sign will be on site.
 - (9) The zoning administrator shall approve, disapprove, or approve subject to specified conditions the request for a permit, based upon the standards for this article.
 - (10) The sign(s) shall be placed, constructed, and erected in accordance with good construction practices and shall be maintained in good condition and repair.
 - (11) Illuminated signs shall be constructed and operated in compliance with the electrical code in effect within the Village of Lawrence. Any externally illuminated sign and internally illuminated signs shall not be of such intensity as to illuminate any adjacent property. Floodlights and spotlights shall not be used for illumination.

- (12) An electrical permit shall be required for all signs illuminated externally and/or internally. The permit shall be attached to the application.
- (13) An insurance policy statement attesting that adequate liability insurance is provided.
- (14) For sign(s) that are 20 feet or higher, a design plans sealed by a professional engineer, submitted with the application.

(Ord. of 11-13-2012)

Sec. 32-626. - Variances.

- (a) *Granting variances; authority, conditions.* The zoning board of appeals may, in its discretion, vary or adapt the strict application of any if the requirements of this article in the case of exceptional conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the applicant for such variance of the reasonable use of his/her land or building involved, but in no other case. In granting any variance, the zoning board of appeals shall prescribe any conditions that it deems necessary or desirable and prior to considering any application for such variance may require the applicant to submit such drawings, engineers' reports, or other data as shall be necessary or helpful to the zoning board of appeals in considering such application; however no variance in the strict application of any provision of this article shall be granted by the zoning board of appeals unless it finds:
- (1) That there are special circumstances or conditions fully described in the findings applying to the land, building, or sign for which the variance is sought, which circumstances or conditions are peculiar to such land, building, or sign and do not apply generally in the neighborhood and further, that the strict application of the provisions of this article would deprive the applicant of the right to erect and maintain a reasonable sign upon his premises;
 - (2) That the granting of such variance will constitute no unnecessary hazard to the safety or welfare of any person, persons, or public in general;
 - (3) That the granting of the variance will be in harmony with the general purpose and intent of this article.

(Ord. of 11-13-2012)

Sec. 32-627. - Prohibitions.

The following types of signs are prohibited in all zoning districts:

- (1) Abandoned signs.
- (2) Air-filled or gas filled balloon signs.
- (3) Animated signs.
- (4) Banners and pennants, except as expressly permitted by this article.
- (5) Festoons.
- (6) Portable signs, except as expressly permitted in this article.
- (7) Rotation signs.
- (8) Signs imitation or resembling official traffic or government signs or signals. Signs containing or imitation of a official traffic sign or signal or containing the words "stop", "go slow", "caution", "danger", "warning", or similar words. Traffic directional signs in a private parking area are exempted from this provision.

- (9) All types of vehicle signs not used during the normal course of the business, which are parked or located for the primary purpose of displaying the advertising copy.
- (10) Roof signs.
- (11) Temporary signs, except as expressly permitted by the article.
- (12) Sexually graphic signs—Signs containing statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
- (13) Billboards.
- (14) Garage sale signs on premise more than four consecutive days and off premise garage sale signs.
- (15) Pole mounted signs.
- (16) Flashing or blinking signs.
- (17) Any sign placed in a public right-of-way or obstructing a motorist's view of any traffic signs, street sign, or traffic signal.
- (18) Signs that are of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.

(Ord. of 11-13-2012)

Sec. 32-628. - Enforcement.

The code enforcement officer is hereby charged with the enforcement of this article. He or she shall notify all persons violating any of the provisions of this article and shall, in the notice, give the violator reasonable time, but in no event longer than 30 days, in which to remedy the violation. If a person fails to remedy the violation within the specified time, he or she shall be responsible for a civil infraction and subject to fines and penalties. All signs located with in the Village of Lawrence shall be erected, altered, and maintain at the risk of the owner thereof, who shall assume full responsibility for consequences of damage caused thereby. The code enforcement officer may immediately remove any signs located within the public right-of-way.

- (1) *Violations.* Any person violating any of the provision of this division shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500.00 and the costs of prosecution or, in default of the payment, shall be punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution.
- (2) *Public nuisance per se.* Any sign which is erected or converted, and in violation of any of the provisions of this division, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- (3) *Notice.* If the zoning administrator shall find that any sign is maintained in violation of the provisions of this division, he or she shall give written notice to the person owning or having the beneficial use of the sign or the property where the sign is located. The zoning administrator shall use certified mail to notify the owner. If such person fails to alter or remove the sign so as to comply with this division within 30 days after such notice, the zoning administrator may cause such sign to be removed at the expense of the owner or person having the beneficial use of the property or sign. The zoning administrator may cause any sign, which is immediate peril to persons or persons' property, to be removed forthwith. These procedures are supplemental to other legal remedies as available for the enforcement of this division.
- (4) *Fines; imprisonment.* The owner of any building, structure, or premises or part thereof where any condition in violation of this division shall exist or shall be created, and who has assisted knowingly

in the commission of such violation be guilty of a separate offense and, upon conviction, shall be liable to the fines and imprisonment herein provided in this section.

- (5) *Separate offense.* A separate offense shall be deemed committed upon each day during or when a violation occurs or is continued.
- (6) *Rights and remedies cumulative.* The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.
- (7) *Appeals* shall be heard before the village council in accordance with provision set forth in this division.

(Ord. of 11-13-2012)

Sec. 32-629. - Nonconforming.

- (a) Signs lawfully erected prior to the effective date of adoption, or amendment of the ordinance from which this chapter was derived, which do not meet the standards of this division must be maintained to mechanical, electrical and building code requirements.
- (b) No nonconforming sign shall:
 - (1) Be changed to another nonconforming sign;
 - (2) Be modified so as to change the shape, size or design of the sign, including a change of copy;
 - (3) Be reestablished after the activity, business or usage to which it relates has been discontinued for more than 45 days; or
 - (4) Be repaired or re-erected after sustaining damage valued at more than 50 percent of the cost of an identical new sign.
- (c) If the owner of a sign or the property on which a sign is located changes the location of a building, property line or sign, or changes the use of a building so that any sign on the property is made nonconforming, such sign must be removed or made to conform to this division.
- (d) Signs for businesses that have been moved or closed must be de-identified within 30 days.
- (e) If a new sign is installed the old sign must be removed.

(Ord. of 11-13-2012)

Sec. 32-630. - Penalties.

Noncompliance with any portion of this signage article shall constitute a municipal civil infraction and be governed by the Village of Lawrence Code of Ordinances General Provisions section 1-18 Municipal civil infraction.

(Ord. of 11-13-2012)