

Section

**General Provisions**

- 151.001 Short title
- 151.002 Purpose
- 151.003 Scope and construction of regulations
- 151.004 Conflict with other laws, regulations, and agreements
- 151.005 Vested right
- 151.006 Rules applying to text
- 151.007 Definitions

**Administration and Enforcement**

- 151.020 Zoning Administrator
- 151.021 Duties
- 151.022 Conditional land uses
- 151.023 Site plan review
- 151.024 Site condominium project regulations
- 151.025 Use of consultants
- 151.026 Performance guarantee
- 151.027 Fees

**Zoning District Regulations**

- 151.040 District designations
- 151.041 Zoning District Map
- 151.042 Application of district regulations
- 151.043 AG, Agriculture District
- 151.044 R-1A, Single-Family Residential District, Low Density
- 151.045 R-1B, Single-Family Residential District, Medium Density
- 151.046 R-2, Multiple-Family Residential District, Low Density
- 151.047 R-3, Multiple-Family Residential District, Medium Density
- 151.048 MHP, Mobile Home Park Residential District
- 151.049 OS, Office Service District
- 151.050 C-2, General Commercial District
- 151.051 CBD, Central Business District
- 151.052 I-1, Limited Industrial District
- 151.053 I-2, General Industrial District
- 151.054 RC, Regional Commercial District

**Special Provisions**

- 151.065 Intent
- 151.066 Cluster housing option
- 151.067 Open space preservation
- 151.068 Accessory buildings and uses
- 151.069 Emergency temporary dwellings
- 151.070 Single-family dwellings; mobile homes; prefabricated housing
- 151.071 Mobile home park requirements
- 151.072 Day-care facilities
- 151.073 Adult foster care facilities
- 151.074 Home occupations
- 151.075 Seasonal sales
- 151.076 Garage sales, rummage sales, and similar activities
- 151.077 Essential services
- 151.078 Self-storage facilities
- 151.079 Outdoor sales
- 151.080 General, building, and landscape contractor's offices and yards
- 151.081 Automobile service stations
- 151.082 Outdoor displays of products or materials intended for retail sale or rental
- 151.083 Sidewalk café service
- 151.084 Bed and breakfast accommodations
- 151.085 Mineral mining and extractive operations
- 151.086 Buildings to be moved
- 151.087 Wireless communication facilities
- 151.088 Wind energy conversion systems (WECS)
- 151.089 Medical marijuana home occupation
- 151.090 Temporary portable storage containers

**Environmental Protection and Design Provisions**

- 151.100 Purpose
- 151.101 Landscaping; greenbelts and buffers; screening
- 151.102 Fences, walls, and screens
- 151.103 Airborne emissions

- 151.104 Noise and vibration
- 151.105 Use, storage, and handling of hazardous substances; storage and disposal of solid, liquid, and sanitary wastes
- 151.106 Electrical disturbance, electromagnetic, or radio frequency interference
- 151.107 Glare and exterior lighting
- 151.108 Fire hazard
- 151.109 Safety
- 151.110 Stormwater management
- 151.111 Regulation of flood plain areas
- 151.112 Building grades

***Planned Unit Development Districts***

- 151.125 Purpose and intent
- 151.126 PUD regulations
- 151.127 Procedure for review
- 151.128 Project design standards
- 151.129 Conditions
- 151.130 Phasing and commencement of construction
- 151.131 Effect of approval

***Signs***

- 151.145 Intent and purpose
- 151.146 General conditions
- 151.147 Permitted freestanding signs
- 151.148 Permitted wall signs
- 151.149 Permitted projecting signs
- 151.150 Permitted temporary signs
- 151.151 Permitted billboards
- 151.152 Miscellaneous permitted signs
- 151.153 Permits required

***Off-Street Parking and Loading***

- 151.165 Intent and purpose
- 151.166 Generally
- 151.167 Off-street parking requirements
- 151.168 Table of off-street parking requirements
- 151.169 Off-street parking lot design and construction
- 151.170 Off-street loading requirements
- 151.171 Off-street stacking space for drive-through facilities
- 151.172 Outdoor storage of recreational vehicles

***Nonconforming Uses, Structures, and Lots***

- 151.185 Intent
- 151.186 Nonconforming lots
- 151.187 Nonconforming uses of land
- 151.188 Nonconforming structures
- 151.189 Nonconforming uses of structures and land
- 151.190 Repairs and maintenance
- 151.191 Uses allowed as conditional approval uses, not nonconforming uses
- 151.192 Change of tenancy or ownership

***Zoning Board of Appeals***

- 151.205 Authority
- 151.206 Membership
- 151.207 Meetings
- 151.208 Powers and duties
- 151.209 Procedure for appeal

***Rezoning and Zoning Ordinance Text Amendments***

- 151.220 Initiation of rezoning and Zoning Ordinance text amendments
- 151.221 Rezoning and Zoning Ordinance text amendment application procedure
- 151.222 Rezoning and Zoning Ordinance amendment process
- 151.223 Criteria for amendment of the official zoning map (rezoning)
- 151.224 Criteria for amendment of the official Zoning Ordinance text
- 151.225 Conditional rezoning of land

- 151.999 Penalty

Appendix A: Zoning Terms

Appendix B: Schedule of Area, Height, Width, and Setback Regulations

**GENERAL PROVISIONS**

**§ 151.001 SHORT TITLE.**

This chapter is adopted pursuant to the City and Village Zoning Act, 1921 PA 207, as amended, (M.C.L.A. §§ 125.581*et seq.*) and subsequently amended pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (M.C.L.A. §§ 125.3101 *et seq.*). This chapter shall be known and may be cited as the "Village of Manchester Zoning Ordinance" and may hereinafter be referred to as "this chapter."

(Ord. 278, passed 9-19-2011)

#### § 151.002 PURPOSE.

(A) The purpose of this chapter is to promote, protect, regulate, restrict, and provide for the use of land and buildings within the Village of Manchester; to meet the needs of the state's residents for places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

(B) The village is divided into districts which include regulations designating land uses or activities that shall be permitted or subjected to special regulations.

(C) It is also the purpose of this chapter to provide for the establishment of a Board of Appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

(Ord. 239, passed 3-5-2001, § 1.2)

#### § 151.003 SCOPE AND CONSTRUCTION OF REGULATIONS.

(A) (1) This chapter shall be liberally construed in such manner as to best implement its purpose.

(2) In interpreting and applying the provisions of this chapter, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

(B) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered, and no new use or change shall be made of any building, structure, or land, or part thereof, except as permitted by the provisions of this chapter.

(C) Where a condition imposed by a provision of this chapter upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this chapter, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.

(D) Nothing within this chapter shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

(Ord. 239, passed 3-5-2001, § 1.3)

#### § 151.004 CONFLICT WITH OTHER LAWS, REGULATIONS, AND AGREEMENTS.

(A) Where any condition imposed by any provision of this chapter upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable conditions imposed by any other provision of this chapter or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

(B) This chapter is not intended to modify or annul any easement, covenant, or other private agreement provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than the easement, covenant, or other private agreement, the provision of this chapter shall govern.

(Ord. 239, passed 3-5-2001, § 1.5)

#### § 151.005 VESTED RIGHT.

It is hereby expressly declared that nothing in this chapter be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege, or permit.

(Ord. 239, passed 3-5-2001, § 1.6)

#### § 151.006 RULES APPLYING TO TEXT.

The following rules shall apply to the text and language of this chapter.

(A) The particular shall control the general.

(B) In case of any difference of meaning or implication between the text of this chapter and any caption, the text shall control.

(C) The word **SHALL** is always mandatory and not discretionary. The word **MAY** is permissive.

(D) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.

(E) The word **USED** or **OCCUPIED**, as applied to any land or building, shall be construed to include the words **INTENDED, ARRANGED, OR DESIGNED TO BE USED OR OCCUPIED**

(F) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

(Ord. 239, passed 3-5-2001, § 2.1)

#### § 151.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Illustrations of specific definitions are provided as Figures 1 through 4 in Appendix A.

**ACCESSORY BUILDINGS AND STRUCTURES.** A supplementary building or structure on the same lot or parcel of land as the principal building, occupied by or devoted exclusively to an accessory use.

**ACCESSORY USE.** A use reasonably and customarily incidental and subordinate to the principal use of the premises.

**ADULT CARE FACILITIES.** A facility for the care of adults, over 18 years of age, as licensed and regulated by the state under Public Act 218 of 1979, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

(1) **ADULT FOSTER CARE FACILITY.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organization Act 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128. The following additional definitions shall apply in the application of this chapter.

(2) **ADULT FOSTER CARE CONGREGATE FACILITY.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organization Act 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128.

(3) **ADULT FOSTER CARE FAMILY HOME.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organization Act 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128.

(4) **ADULT FOSTER CARE LARGE GROUP HOME.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organization Act 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128.

(5) **ADULT FOSTER CARE SMALL GROUP HOME.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organization Act 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128.

**AUTOMOBILE DEALER.** A building or premises used primarily for the sale of new or used automobiles.

**AUTOMOBILE REPAIR.** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rustproofing.

**AUTOMOBILE SERVICE STATION.** A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof. In addition to automobile service, convenience stores and carryout restaurants may be included.

**AUTOMOBILE WASHES.** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

**BASEMENT.** The portion of a building having more than 1/2 of its height below finished grade (see Appendix A, Figure 1).

**BED AND BREAKFAST OPERATIONS.** A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

**BUILDING.** A structure having a roof supported by columns or walls.

**BUILDING CODE.** The currently adopted code or codes regulating building construction in the Village of Manchester.

**BUILDING HEIGHT.** The vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall (see Appendix A, Figure 2).

**BUILDING OFFICIAL.** The administrative official designated by the Village Council to enforce the building code.

**BUILDING SETBACK LINE.** The line established by the minimum required setbacks forming the area within a lot in which a building may be located.

**CHILD CARE ORGANIZATIONS.** A government or non-governmental organization having as its principal function the receiving of minor children for care, maintenance training and supervision, notwithstanding that educational instruction may be given. Such organizations shall be defined as follows:

(1) **CHILD CARE CENTER (or DAYCARE CENTER).** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128. A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day and for not less than 2 consecutive weeks and where the parents or guardians are not immediately available to the child.

(2) **FOSTER FAMILY HOME.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128. A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood, marriage or who are not placed in the household pursuant to the adoption code, are given care and supervision for 24 hours a day, for 4 or more days a week for 2 or more consecutive weeks, unattended by a parent or legal guardian.

(3) **FOSTER FAMILY GROUP HOME.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128. A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the Adoption Code, are provided care for 24 hours a day for 4 or more days a week for 2 or more consecutive weeks, unattended by a parent or legal guardian.

(4) **FAMILY DAY CARE HOME.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128. A private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent, legal guardian, except children related to an adult member of the family by blood, marriage, or adoptions. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

(5) **GROUP DAY CARE HOME.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128. A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to the adult member of the family by blood, marriage or adoption. **GROUP DAY CARE HOME** includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

(6) **CHILD CARE INSTITUTION.** A facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, M.C.L.A. §§ 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, M.C.L.A. §§ 722.111 to 722.128. A child care facility which is organized for the purpose of receiving children for care, maintenance and supervision usually on a 24-hour basis, in a building maintained for that purpose, and operated throughout the year. It includes a maternity home for the care of unmarried mothers and institutions for mentally, emotionally or developmentally challenged or disturbed children.

**COMMERCIAL USE.** The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

**CONDITIONAL USE.** A use which is subject to conditional approval by the Village Council. A conditional use may be granted only when there is a specific provision in this chapter. A conditional use is not considered to be a nonconforming use.

**CONVALESCENT OR NURSING HOME.** A state-licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. The home shall conform and qualify for license under state law even though state law has different size regulations.

**CONVENIENCE GROCERY STORE.** A 1-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). **CONVENIENCE GROCERY STORES** are designed to attract a large volume of stop-and-go traffic.

**DAY-CARE FACILITIES.** The following definitions shall apply in the application of this chapter.

(1) **DAY-CARE CENTER.** A state-licensed facility, other than a private residence, receiving more than 1 or more children for care and supervision for periods less than 24 hours, and where the parents or guardians are not immediately available to the child.

(2) **FAMILY DAY-CARE HOME.** A state-licensed, owner-occupied private residence in which 1 but not more than 6 minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than 4 weeks in a calendar year.

(3) **GROUP DAY-CARE HOME.** A state-licensed, owner-occupied private residence in which 7 but not more than 12 children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than 4 weeks in a calendar year.

**DISTRICT.** A portion of the village within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

**DWELLING.** A dwelling is a building used exclusively as a residence by not more than 1 family, but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent, or other portable building be considered a dwelling.

**DWELLING, 2-FAMILY.** A building consisting of 2 dwellings.

**DWELLING, MULTIPLE-FAMILY.** A building consisting of 3 or more dwellings.

**DWELLING, SINGLE-FAMILY.** A building designed for, or occupied exclusively by, 1 family.

**EASEMENT.** The right of an owner of property by reason of the ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

**ESSENTIAL SERVICES.** Services that are erected, constructed, altered, or maintained by public utilities or municipal agencies of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, poles, and other similar equipment or accessories reasonably in connection therewith for the furnishing of adequate service by the public utilities or municipal agencies.

**EXTRACTIVE OPERATION.** Premises from which any rock, gravel, sand, topsoil, or earth in excess of 50 cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

**FAMILY.**

(1) An individual or a group of 2 or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than 1 additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit; or

(2) A collective number of individuals domiciled together in 1 dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single, noncommercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**FENCE.** A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable manmade materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

**FLOOR AREA.** The sum of the gross horizontal areas of the building measured from the exterior faces of the exterior walls or from the center line of walls separating 2 buildings.

**GARAGE.** A structure which is accessory to a principal residential dwelling and which is used for the parking and storage of vehicles owned and operated by the residents thereof.

**GRADE.** The degree of rise or descent of a sloping surface (see Appendix A, Figure 3).

**GRADE, FINISHED.** The final elevation of the ground surface after development (see Appendix A, Figure 3).

**GRADE, NATURAL.** The elevation of the ground surface in its natural state, before manmade alternations (see Appendix A, Figure 3).

**HOME OCCUPATION.** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**JUNK YARD.** A place, structure, parcel, or use of land where junk, waste, discard, salvage, or similar materials such as old iron or the metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, and the like, are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any 30 consecutive days.

**KENNEL.** Any place or premises where 3 or more adult dogs, cats, or other domestic pets are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

**LANDSCAPING.** The following definitions shall apply in the application of this chapter.

(1) **BERM.** A landscaped mound of earth which blends with the surrounding terrain.

(2) **BUFFER.** A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.

(3) **CONFLICTING NONRESIDENTIAL LAND USE.** Any nonresidential use, such as office, commercial, industrial, research, parking, or public road right-of-way land use which abuts a residential land use.

(4) **CONFLICTING RESIDENTIAL USE.** Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.

(5) **GREENBELT.** A landscaped area, established at a depth of the minimum required front yard setback within a zoning district, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.

(6) **OPACITY.** The state of being impervious to sight.

(7) **PLANT MATERIAL.** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines, and ground cover.

**LOADING SPACE.** An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

**LODGING FACILITY.** Any establishment in which individual units are rented to transients for periods of less than 30 days for the purpose of sleeping accommodations. The term shall include hotels and motels, but shall not include bed and breakfast operations, multiple-family dwellings, or rooming houses.

**LOT.** A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide the yards and other open spaces as herein required. The lot shall have frontage on a public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record; or
- (4) A parcel of land described by metes and bounds.

**LOT AREA.** The total horizontal area within the lot lines of a lot, but excluding that portion within a street right-of-way.

**LOT, CORNER.** A lot with frontage on 2 intersecting streets. (See illustration entitled "Corner, Interior and Double Frontage.")

**LOT COVERAGE.** The percentage of the lot area covered by the building area.

**LOT DEPTH.** The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

**LOT, DOUBLE FRONTAGE.** A lot other than a corner lot having frontage on 2 more or less parallel streets. In the case of a row of double frontage lots, 1 street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting 1 or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

**LOT, INTERIOR.** An interior lot is a lot other than a corner lot with only 1 lot line fronting on a street.

**LOT LINES.** Any line dividing 1 lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot.

**LOT OF RECORD.** A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the office of the Register of Deeds for Washtenaw County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designated by the State of Michigan, and the description so recorded or on file with the county.

**LOT, WIDTH.** The required horizontal distance between the side lot lines measured at the 2 points where the required front yard setback line intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to 80% of the required lot width.

**MANUFACTURING.** The use of land, buildings, or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale or other use of any goods, substance, article, thing, or service.

**MARIJUANA.** The substance or material defined in Section 7106 of the Public Health Code, 1978 P.A. 368, M.C.L.A. § 333.7106.

**MEDICAL MARIJUANA HOME OCCUPATION.** The cultivation of medical marijuana by a registered primary caregiver as defined in Section 3 of the Michigan Medical Marijuana Act ("Act"), M.C.L.A. § 333.26423, within a single-family dwelling that is the registered primary caregiver's residence and which cultivation is in conformity with the restrictions and regulations contained in the Act, the state regulations developed by the Michigan Department of Community Health ("MDCH"), and the Village of Manchester Code.

**MEZZANINE.** Is an intermediate floor in any story occupying but not to exceed more than 1/3 of the floor area of the story.

**MOBILE HOME.** A detached portable single-family dwelling, prefabricated on its own chassis and intended for long-term occupancy. The unit contains sleeping accommodations, a flush toilet, a wash basin, a tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.

**MOBILE HOME PARK.** Any parcel of land intended and designed to accommodate more than 1 mobile home for living use which is offered to the public for that purpose; and any structure, facility, area, or equipment used or intended for use incidental to that living use.

**NONCONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions of this chapter in the zoning district in which it is located.

**NONCONFORMING USE.** A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

**OFF-STREET PARKING AREA.** A land surface or 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 2 automobiles.

**ORDINARY HIGH WATER MARK.** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinguished from the upland as evidenced in the soil, the configuration of the surface of the soil, and vegetation.

**OUTDOOR WOOD-, CORN- OR PELLET-FIRED BOILER OR FURNACE.** A fuel-burning device designed: (1) to burn primarily wood or pellets by hand firing; (2) not to be located inside structures ordinarily occupied by humans; and (3) to heat spaces or water by the distribution through pipes of a fluid, typically water, heated in the device. Examples of common uses of outdoor wood-fired boilers include residential or commercial space heating, heating of domestic hot water and heating of water for swimming pools, hot tubs, or whirlpool baths.

**PARKING SPACE.** One unit of a parking area provided for the parking of 1 vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

**PRINCIPAL BUILDING OR STRUCTURE.** The main building or structure in which the primary use is conducted.

**PUBLIC UTILITY.** Any person, firm, corporation, or municipal agency authorized under federal, state, county, or municipal regulations to furnish electricity, gas, communications, transportation, water, or sewer services.

**QUALIFYING PATIENT OR PATIENTS.** A person as defined under Section 3 of the Act, M.C.L.A. § 333.26423(h), and under the Michigan Administrative Rules adopted pursuant to the Act, §§ R 333.101 *et seq.*, and who has been issued and possesses a registry information card.

**RECREATIONAL VEHICLE.** Shall include the following.

- (1) **BOATS and BOAT TRAILERS.** Shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (2) **FOLDING TENT TRAILER.** A canvas folding structure, mounted on wheels and designed for travel and vacation use.
- (3) **MOTOR HOME.** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. **MOTOR HOMES** generally contain sanitary, water, and electrical facilities.
- (4) **OTHER RECREATIONAL EQUIPMENT.** Includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (5) **PICKUP CAMPER.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (6) **TRAVEL TRAILER.** A portable vehicle on a chassis, not exceeding 36 feet in length or 9 feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a **TRAVEL TRAILER** by the manufacturer. **TRAVEL TRAILERS** generally contain sanitary, water, and electrical facilities.

**REGISTRY IDENTIFICATION CARD.** The document defined under Section 3 of the Act, M.C.L.A. § 333.26423(i), and the Michigan Administrative Rules adopted pursuant to the Act, §§ R 333.101 *et seq.*

**RESTAURANT.** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carryout, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

- (1) **BAR/LOUNGE.** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.
- (2) **RESTAURANT, CARRYOUT.** A restaurant whose method of operation involved sale of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (3) **RESTAURANT, FAST-FOOD.** A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (4) **RESTAURANT, STANDARD.** A restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

**RIGHT-OF-WAY.** A legal right of passage over real property typically associated with roads and railroads.

**ROOMING HOUSE.** A dwelling in which more than 3 persons either individually or as families are housed or lodged for hire without meals.

**SCREEN.** A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. **ASCREEN** may also consist of living materials such as trees and shrubs.

**SETBACK.** The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines and natural features.

**SHOPPING CENTER.** More than 1 commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

**SIDEWALK CAFÉ SERVICE.** An outdoor seating area for customers of a restaurant where table-side service may be extended.

**SIGN.** A device which is affixed to, or otherwise located or set upon a building, structure, or parcel of land which directs attention to an activity or business. The definition includes interior signs which are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided.

- (1) **CANOPY SIGN.** A sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits of the canopy.
- (2) **FREESTANDING SIGN.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure, whether portable or stationary.
- (3) **PORTABLE TEMPORARY SIGN.** A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building.
- (4) **PROJECTING SIGN.** A sign, other than a wall sign, which is perpendicularly attached to and projects from a structure or building wall not specifically designed to support the sign.
- (5) **REAL ESTATE SIGN.** A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of the property.
- (6) **ROOF SIGN.** Any sign wholly erected to, constructed, or maintained on the roof structure of any building.
- (7) **SIGN SURFACE.** The part of the sign upon, against, or through which the message is displayed or illustrated.
- (8) **WALL SIGN.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, the wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.
- (9) **WINDOW SIGN.** A sign installed inside a window and intended to be viewed from the outside.

**SITE CONDOMINIUM.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided.

- (1) **CONDOMINIUM ACT.** Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.276, as amended.
- (2) **CONDOMINIUM DOCUMENTS.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (3) **CONDOMINIUM LOT.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended.
- (4) **CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (5) **GENERAL COMMON ELEMENTS.** The common elements other than the limited common elements.
- (6) **LIMITED COMMON ELEMENTS.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (7) **MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by § 8 of the Condominium Act, being Public Act 59 of 1979, being M.C.L.A. § 559.108.

**STORY.** The portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

**STORY, ONE-HALF.** A story under the gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of the story and the floor area shall not exceed 2/3 of the area of the floor below.

**STREET.** A public or private thoroughfare which affords the principal means of access to abutting property.

**STREET LINE.** The dividing line between the street right-of-way and the lot. When the right-of-way is not definable, a line shall be defined as 33 feet on either side of the center of the street.

**STRUCTURE.** Anything constructed or erected above ground level or which is attached to something located on the ground. **STRUCTURES** typically include such things as buildings, amateur radio towers, sheds, and decks.

**TEMPORARY PORTABLE STORAGE CONTAINER.** A non-habitable, transportable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise on a temporary basis.

**WIRELESS COMMUNICATION FACILITIES.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dishes; and governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this chapter, the following additional terms are defined.

- (1) **ATTACHED WIRELESS COMMUNICATIONS FACILITIES.** Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- (2) **COLLOCATION.** The location by 2 or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.
- (3) **WIRELESS COMMUNICATION SUPPORT STRUCTURES.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

#### **YARD, FRONT.**

(1) A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

(2) In all cases, the front lot line shall be considered to be that portion of the lot which abuts a public road right-of-way or private road easement (see Appendix A, Figure 4).

**YARD, REAR.** A yard extending across 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 principal building (see Appendix A, Figure 4).

#### **YARD, SIDE.**

(1) A yard between any building and the side lot line, extending from the front yard to the rear yard.

(2) The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of principal building (see Appendix A, Figure 4).

**ZONING ACT.** The Zoning Enabling Act of Michigan, Public Act 110 of 2006, as amended, M.C.L.A. §§ 125.1301et seq.

(Ord. 239, passed 3-5-2001, § 2.2; Am. Ord. 275, passed 12-20-2010, § 1; Am. Ord. 278, passed 9-19-2011; Am. Ord. 282, passed 2-6-2012; Am. Ord. 288, passed 12-16-2013; Am. Ord. 300, passed 8-5-2019)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 151.020 ZONING ADMINISTRATOR.**

The Zoning Administrator, or the deputies, shall be appointed by the Village Council and designated to administer and enforce the provisions of this chapter.

(Ord. 239, passed 3-5-2001, § 3.1)

### **§ 151.021 DUTIES.**

The Zoning Administrator shall:

- (A) Receive and review for completeness all applications for site plan review and conditional use permits which the Planning Commission and Village Council are required to decide under this chapter and refer the applications to the Planning Commission and Village Council for determination;
- (B) Receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this chapter and refer the applications to the Zoning Board of Appeals for determination;
- (C) Receive and review for completeness all applications for amendments to this chapter and refer the applications to the Planning Commission and Village Council for determination;
- (D) Make periodic site inspections of the village to determine chapter compliance, and answer complaints on Zoning Ordinance violations; and
- (E) Implement the decisions of the Planning Commission and Village Council.

(Ord. 239, passed 3-5-2001, § 3.2)

## § 151.022 CONDITIONAL LAND USES.

### (A) Application.

(1) Applications for conditional land use permits authorized in this chapter shall be submitted to the Zoning Administrator on a form provided by the village.

(2) In addition to a complete application form, the applicant is required to submit a preliminary site plan prepared in accordance with § 151.023. Incomplete submittals shall not be accepted by the Zoning Administrator.

### (B) Procedures.

(1) Conditional land use permits may be granted by the Village Council at its discretion.

(2) The Zoning Administrator shall review the proposed application and preliminary site plan to determine if all required information has been supplied, and forward the completed application, preliminary site plan, and supporting data to the Planning Commission for a recommendation.

(3) (a) Upon receipt of a recommendation by the Planning Commission, 1 notice that such a request has been received shall be published in at least 1 newspaper of general circulation within the village and sent by certified mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(b) 1. The notice shall be given in accordance with the requirements of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, M.C.L.A. §§ 125.310 et seq. not less than 15 days before the date the application will be considered. The notice shall:

- a. Describe the nature of the conditional land use request;
- b. Indicate the property which is the subject of the conditional land use request;
- c. State when and where the conditional land use request will be considered;
- d. Indicate when and where written comments will be received concerning the request; and
- e. Indicate that a public hearing on the conditional land use request may be requested by the property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.

2. At the initiative of the Village Council or upon the request of the applicant or a property owner or resident entitled to notice hereunder, a public hearing shall be held pursuant to notice as required in this paragraph before a decision is made on the request for a conditional land use.

(4) (a) After notice, and after a public hearing if requested, the Village Council may deny, approve, or approve with conditions a request for a conditional land use. The decision of the Village Council shall be incorporated in a statement of conclusions relative to the conditional land use under consideration. Any decision which denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.

(b) The Village Council may impose additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the purposes of this chapter and the general spirit and purpose of the district in which the conditional use is proposed will be observed.

(C) *Basis of determinations.* The Planning Commission and Village Council shall review the proposed conditional use in terms of the standards stated within this chapter and shall establish that the use and the proposed location:

- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan;
- (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
- (3) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future;
- (4) Will be an improvement in relation to property in the immediate vicinity and to the village as a whole;
- (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility;
- (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the village; and
- (7) Will be consistent with the intent and purposes of this chapter.

### (D) Duration, voiding, and extensions of permit.

(1) Unless otherwise specified by the Village Council, any conditional land use permit granted under this section shall be null and void unless the development proposed shall have its first building inspection within 1 year from the date of the granting of the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit before voidance is actually declared. The notice shall be mailed to the permit holder at the address indicated on the permit. Within 30 days of receipt of notice of voiding of the permit, the applicant shall have the right to request an extension of the permit from the Village Council. The Village Council may grant an extension thereof for good cause for a period not to exceed 1 year.

(2) The Zoning Administrator may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his or her agent and is in violation of any of the provisions of this chapter or of any other ordinances or regulations of the village.

(E) *Reapplication.* No application for a conditional use permit which has been denied wholly or in part shall be resubmitted until the expiration of 1 year or more from the date of the denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Village Council.

(Ord. 239, passed 3-5-2001, § 3.3; Am. Ord. 278, passed 9-19-2011)

## § 151.023 SITE PLAN REVIEW.

(A) *Generally.* The Village Council shall have the authority to review and to approve or reject all site plans (i.e., preliminary, final, and combined site plans), taking into account the recommendations of the Village Planning Commission. Prior to the issuance of building permits or commencement of construction for new structures and for additions that expand floor area, site plan review and approval is required in accordance with the procedures contained in this section.

### (B) Where required.

(1) Site plan review is required for all proposed uses and certain existing uses within the village where an alteration, addition, expansion, change, or conversion constitutes an increase or reduction to the existing structure or use of more than 500 square feet or 10%, whichever is less; or would require a variance from the provisions of this chapter, regardless of its size. Site plan review shall also be required prior to the paving of any off-street parking for any use for which off-street parking is required by this chapter.

(2) Site plan review shall not be required for individual single-family dwellings, or residential accessory storage buildings.

(3) The village shall not issue a building permit until a final site plan has been approved and is in effect. A use, not involving a building or structure, shall not be commenced or expanded, nor shall the Zoning Administrator or duly appointed agent issue an occupancy permit for the use until a final site plan has been approved and is in effect.

(4) No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in §§ 151.020 et seq.

### (C) Preliminary site plan.

(1) *Application.* Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, payment of the review fee, and 13 copies of the preliminary site plan drawing(s). The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan drawings to the Planning Commission prior to its next regular meeting. The purpose of the preliminary review is to confirm general compliance with village standards as well as to suggest changes, if necessary, for final site plan approval.

(2) *Information required.* Each preliminary site plan submitted for review shall provide the following information:

- (a) Property owner's and applicant's name and address;
- (b) Scale, north arrow, and date of plan;
- (c) Location, description, dimensions, and area of the site; zoning classification; and demonstration of compliance with lot area, width, coverage, and setback requirements;
- (d) General topography and soils information and existing natural and manmade features to be retained or removed;
- (e) Location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number, and type of dwelling units (where applicable);
- (f) Proposed streets/drives; including general alignment, right-of-way, surface type, and width;
- (g) Proposed parking; including location and dimensions of spaces and aisles, and surface type;
- (h) Adjacent land uses, property owners, and zoning and location of adjacent buildings and drives/streets;
- (i) Proposed phasing; and

(j) Location and width of any easements on the site.

(3) *Planning Commission action.* The Planning Commission shall make a recommendation to approve, approve with conditions or deny the preliminary site plan within 60 days from the date of the Planning Commission meeting at which the site plan is first heard. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken. The time limit may be extended upon a written request by the applicant and approval by the Planning Commission.

(4) *Village Council action.* The Village Council shall receive the recommendations of the Planning Commission, and may approve or deny the preliminary site plan.

(5) *Effect of approval.* Approval of a preliminary site plan by the Village Council shall indicate its general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development. The Village Council may, at its discretion, and with appropriate conditions attached, authorize issuance of grading and foundation permits on the basis of the approved preliminary site plan. The authorization, however, will be used only in those situations in which seasonable conditions, such as the onset of frost, or other severe time limitations might, in the Village Council's opinion, unduly delay the commencement of construction until after the final site plan is approved. The Village Council shall attach appropriate conditions to the authorization.

(6) *Expiration of approval.* Approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval and shall expire and be of no effect unless an application for a final site plan is filed with the Zoning Administrator within that time period. The Zoning Administrator or duly appointed agent shall, within 10 days of the date of approval of the preliminary site plan by the Village Council, transmit a written certification of the approval to the applicant.

(D) *Final site plan.*

(1) *Application.* Following approval of a preliminary site plan, the applicant shall submit to the Zoning Administrator 13 copies of a final site plan as well as other data and exhibits hereinafter required, the review fee, and a completed application form. The Administrator, upon receipt of the application, shall transmit only complete submittals of the final site plan drawing(s) to the Planning Commission prior to its next regular meeting.

(2) *Information required.* A final site plan submitted for review and approval shall contain all of the following data presented in a clear and legible format. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24 inches by 36 inches with plan view drawn to a scale of no greater than 1 inch = 50 feet for property less than 3 acres or no greater than 1 inch = 100 feet for property 3 or more acres.

(a) *General information.*

1. Proprietors', applicants', and owners' names, addresses, and telephone numbers;
2. Date of preparation, including revisions;
3. Scale;
4. North point;
5. Location map drawn at a scale of 1 inch = 2,000 feet with north point indicated;
6. Architect, engineer, surveyor, landscape architect, or planner's seal;
7. Existing and proposed lot lines, building lines, structures, parking areas, and the like, on the parcel and within 100 feet of the site;
8. Centerline and existing and proposed right-of-way lines of any street;
9. Zoning classification of petitioner's parcel and all abutting parcels; and
10. Gross acreage figure.

(b) *Physical features.*

1. Acceleration, deceleration, and passing lanes and approaches;
2. Proposed locations of access drives, street intersections, driveway locations, sidewalks, and curbing;
3. Location of existing and proposed service facilities above and below ground, including:
  - a. Chemical and fuel storage tanks and containers;
  - b. Water supply facilities;
  - c. Sanitary sewage disposal facilities;
  - d. Storm water control facilities and structures; and
  - e. Location of all easements.
4. Location of all structures with setback and yard dimensions;
5. Dimensioned parking spaces and calculation, drives and method of surfacing;
6. Exterior lighting locations and illumination patterns;
7. Location and description of all existing and proposed landscaping, berms, fencing, and walls;
8. Trash receptacle pad location and method of screening;
9. Transformer pad location and method of screening;
10. Dedicated road or service drive locations;
11. Entrance details including sign locations and size;
12. Designation of fire lanes; and
13. Any other pertinent physical features.

(c) *Natural features.*

1. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Washtenaw County, Michigan;
2. Existing topography with a maximum contour interval of 2 feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of 2 feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading;
3. Location of existing drainage courses and associated bodies of water, on- and off-site, and their elevations;
4. Location of existing wetlands; and
5. Location of natural resource features, including woodlands and areas with slopes greater than 10% (1 foot of vertical elevation for every 10 feet of horizontal distance).

(d) *Additional requirements for residential developments.*

1. Density calculations by type of unit by bedroom counts;
2. Designation of units by type and number of units in each building;
3. Carport locations and details where proposed; and
4. Specific amount and location of recreation spaces.

(e) *Additional requirements for commercial and industrial developments.*

1. Loading/unloading areas;
2. Total and useable floor area; and
3. Number of employees in peak usage.

(3) *Standards for review.* In reviewing the final site plan, the Planning Commission and Village Council shall determine whether the plan meets the following specifications and standards.

(a) The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations.

(b) All required information is provided.

(c) The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare, and character of the township.

(d) There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

(e) The location of buildings is such that the adverse effects of the uses will be minimized for the occupants of that use and surrounding areas.



(f) Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater, and woodlands.

(g) Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on- or off-site.

(h) Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet county and state standards.

(i) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies in accordance with county and state standards.

(j) Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

(k) The proposed use is in compliance with all village ordinances and any other applicable laws.

(4) *Planning Commission action.* The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the final site plan within 60 days of the date of the Planning Commission meeting at which the site plan is first heard. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval. All engineering drawings and plans shall be reviewed by the Village Engineer, DPW, and Fire Chief before a final site plan may be recommended to Council.

(5) *Village Council action.* The Village Council shall receive the recommendations of the Planning Commission and approve or deny the site plan.

(6) *Effect of approval.* Approval of a final site plan authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of zoning compliance.

(7) *Expiration of approval.* Approval of a final site plan shall expire and be of no effect 1 year following the date of approval unless construction has begun on the property in conformance with the approved final site plan. Approval shall also expire and be of no effect unless a building permit shall have been taken out within 180 days of the date of approval of the final site plan.

(E) *Combining preliminary and final site plans.* An applicant may, at his or her discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or scale of the site for the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of 2 or more phases.

(F) *Amendment of approved site plan.* The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a final site plan. The Zoning Administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing (s) be submitted showing the minor changes, for purposes of record.

(G) *Modification of plan during construction.* All improvements shall conform to the final site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes prior to the changes being made. Any changes which result in a material alteration of the site plan approved by the Planning Commission shall require resubmittal to the Planning Commission. The Planning Commission, Village Council, or Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan.

(H) *Phasing of development.* The applicant may, at his or her discretion, divide the proposed development into 2 or more phases. In that case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, the size, and character of each phase. A final site plan may be submitted for review and approval for each phase.

(I) *Inspection.*

(1) The Building Inspector shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary installation.

(2) The Building Inspector shall notify the Zoning Administrator, in writing, when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Building Inspector shall notify the Zoning Administrator, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Zoning Administrator of steps taken to achieve compliance. In that case, the Building Inspector shall periodically notify the Zoning Administrator of progress towards compliance with the approved final site plan and when compliance is achieved.

(J) *Violations.* The approved final site plan shall regulate development of the property and any violation of §§ 151.020 et seq., including any improvement not in conformance of the approved final site plan, shall be deemed a violation of this chapter as provided in §§ 151.188 and 151.999, and shall be subject to all penalties therein.

(Ord. 239, passed 3-5-2001, § 3.4) Penalty, see § 151.999

#### **§ 151.024 SITE CONDOMINIUM PROJECT REGULATIONS.**

(A) *Intent.* Pursuant to the authority conferred by § 141 of the Condominium Act, Public Act 59 of 1979, being M.C.L.A. § 559.241 preliminary and final site plans shall be regulated by the provisions of this chapter and subject to the review by the Planning Commission.

(B) *General requirements.*

(1) Each condominium lot shall be located within a zoning district that permits the proposed use.

(2) Each condominium lot shall front on and have direct access to a public street approved by the village.

(3) For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.

(4) In the case of a site condominium containing single-family detached dwelling units, not more than 1 dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot.

(C) *Site plan approval requirements.* Preliminary approval of the site plan and final approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand, or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Village Planning Commission and is in effect. Preliminary and final approval shall not be combined.

(1) *Preliminary approval.*

(a) A preliminary site plan pursuant to the standards and procedures set forth in § 151.023 shall be submitted to the Planning Commission for preliminary review.

(b) If the site plan conforms in all respects to applicable laws, ordinances, and design standards, preliminary approval shall be granted by the Planning Commission.

(c) If the site plan fails to conform, the Planning Commission shall either deny the application, or grant preliminary approval with conditions, provided the conditions are met before final approval.

(2) *Final approval.*

(a) Following preliminary approval, the applicant shall submit a final site plan pursuant to the standards and procedures set forth in § 151.023(D). In addition to the final site plan, the condominium documents shall be submitted to the village for the review by the Village Attorney and other appropriate staff and consultants. The condominium documents shall be reviewed with respect to all matters subject to regulation by the village including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland, and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.

(b) The applicant shall also submit engineering plans in sufficient detail for the village, to determine compliance with applicable laws, ordinances, and design standards for construction of the project. The village shall submit engineering plans to the Village Engineer for review.

(c) Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the Village Attorney, Engineer, and Planner, the site plan shall be submitted to the Village Council for final review.

(d) If the site plan, condominium documents and/or engineering plans conform in all respects to applicable laws, ordinances, and design standards, final approval shall be granted by the Village Council.

(e) If the site plan, condominium documents and/or engineering plans fail to conform, final approval shall be denied by the Village Council.

(f) In the interest of insuring compliance with this chapter and protecting the health, safety, and welfare of the residents of the village, the Village Council, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in § 151.026 for the completion of improvements associated with the proposed use.

(D) *Required improvements.*

(1) All design standards and required improvements that apply to a subdivision under the subdivision regulations adopted by the Village Council, shall apply to any condominium development.

(2) Each condominium unit shall be connected to the village water, sanitary, and storm sewers. Utility standards stated in Title V shall apply to all condominium units. Furthermore, the utility provisions stated in the village subdivision regulations shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided. Each individual condominium unit shall be considered a residential equivalent unit as defined in the village subdivision regulations.

(3) (a) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

(b) The village may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed 1 year, on condition that the developer deposit with the Village Clerk cash, a certified check, or an irrevocable bank letter of credit running to the village, whichever the developer selects, in an amount as determined from time to time by resolution of the Village Council. The deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time

specified. If the developer defaults, the Village Council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not-to-exceed the amount of the security deposit.

(4) Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the village for all public water and sanitary sewer lines and appurtenances.

(5) All improvements in a site condominium shall comply with the design specifications as adopted by the Village Council and any amendments thereto.

(E) *Information required prior to occupancy.* Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Zoning Administrator:

- (1) A copy of the recorded condominium documents (including exhibits);
- (2) A copy of any recorded restrictive covenants;
- (3) A copy of the site plan on laminated photostatic copy or mylar sheet; and
- (4) Evidence of completion of improvements associated with the proposed use, including 2 copies of an as-built survey.

(F) *Revision of site condominium plan.* If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where the permit is required.

(G) *Amendment of condominium documents.* Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Village Attorney and Planning Commission before any building permit may be issued, where the permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, the changes in the master deed or bylaws require corresponding changes in the site plan.

(H) *Relocation of boundaries.* Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in § 48 of the Condominium Act, Public Act 59 of 1979, being M.C.L.A. § 559.148 shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Inspector. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

(I) *Subdivision of condominium lot.* Each condominium lot that results from a subdivision of another condominium lot, if the subdivision is permitted by the condominium documents, as provided in § 49 of the Condominium Act, Public Act 59 of 1979, being M.C.L.A. § 559.149 shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Inspector. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

(Ord. 239, passed 3-5-2001, § 3.5) Penalty, see § 151.999

#### **§ 151.025 USE OF CONSULTANTS.**

From time to time, the Village Council and/or Planning Commission may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of conditional use permits, site plans, rezonings, or other matters related to the planning and development of the village.

(Ord. 239, passed 3-5-2001, § 3.6)

#### **§ 151.026 PERFORMANCE GUARANTEE.**

(A) In the interest of ensuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Village Council upon the recommendation of the Planning Commission shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this chapter, including, but not limited to, streets, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

(B) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the village. The village shall be authorized to employ the village engineering consultant to review cost estimates and conduct periodic inspection of the progress of improvements.

(C) Where the Village Council requires a performance guarantee, the performance guarantee shall be deposited with the village prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee the village shall issue the appropriate building permit.

(D) The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

(E) The Zoning Administrator, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.

(F) Upon the satisfactory completion, as determined by the village, of the improvement for which the performance guarantee was required, the village shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the village is not required to deposit the performance guarantee in an interest-bearing account.

(G) (1) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the village, the village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including, specifically, the right to enter upon the subject property to make the improvements.

(2) If the performance guarantee is not sufficient to allow the village to complete the improvements, the applicant shall be required to pay the village any of the additional costs of completing the improvements. Should the village use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after the completion shall be applied first to the village's administrative costs, including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.

(3) If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the village to ensure completion of an improvement the applicant shall not be required to deposit with the village a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the village and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the village regarding the performance guarantee.

(Ord. 239, passed 3-5-2001, § 3.7)

#### **§ 151.027 FEES.**

The Village Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to this chapter. The village shall have the authority to include fees for the use of engineering, planning, legal, or other special consultants. The schedule of fees shall be posted in the village offices, and may be altered or amended only by the Village Council. No permit, certificate, conditional use or approval, or variance shall be issued unless or until the costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

(Ord. 239, passed 3-5-2001, § 3.8)

## **ZONING DISTRICT REGULATIONS**

#### **§ 151.040 DISTRICT DESIGNATIONS.**

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

- (A) AG, Agriculture District;
- (B) R-1A, Single-Family Residential District, Low Density;
- (C) R-1B, Single-Family Residential District, Medium Density;
- (D) R-2, Multiple-Family Residential District, Low Density;
- (E) R-3, Multiple-Family Residential District, Medium Density;
- (F) MHP, Mobile Home Park Residential District;
- (G) OS, Office Service District;
- (H) C-2, General Commercial District;
- (I) CBD, Central Business District;
- (J) I-1, Limited Industrial District;
- (K) I-2, General Industrial District; and
- (L) PUD, Planned Unit Development District (§§ 151.125 *et seq.*).

(Ord. 239, passed 3-5-2001, § 4.1)

#### **§ 151.041 ZONING DISTRICT MAP.**

(A) *Identified.* The zoning districts as provided in § 151.040 are bounded and defined as shown on the map entitled Zoning District Map of the Village of Manchester. The Zoning District Map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this chapter.

(B) *Authority.* Regardless of the existence of purported copies of the Zoning District Map which may be published, a true and current copy of the Zoning District Map available for public inspection shall be located in and maintained by the office of the Village Clerk. The Clerk's copy shall be the final authority as to the current status of any land, parcel, lot, district, use, building, or structure in the village.

(C) *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply.

(1) A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following the centerline.

(2) A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following the line.

(3) A boundary indicated as approximately following a municipal boundary line shall be construed as following the line.

(4) A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.

(5) A boundary indicated as following a shoreline shall be construed as following the shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.

(6) The boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following the centerline.

(7) A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(8) Where an existing physical feature is at variance with that shown on the Official Zoning Map or any other circumstances not covered by divisions (C)(1) through (C)(7) above, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.

(Ord. 239, passed 3-5-2001, § 4.2)

#### **§ 151.042 APPLICATION OF DISTRICT REGULATIONS.**

(A) *Generally.*

(1) The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district.

(2) No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which the building or premises is located, except by appeal as herein described by this chapter. Wherever the requirements of this chapter are at variance with the requirements of any other adopted regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner.

(B) *Uses in districts.*

(1) *Permitted uses.* Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning district or are similar to the listed uses.

(2) *Accessory uses and buildings.* Accessory uses are permitted only if the uses are clearly incidental to the permitted principal uses.

(3) *Conditional uses.* Conditional uses are permitted as listed or if similar to the listed conditional uses.

(C) *Application of area and width regulations.*

(1) The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which the lot is located.

(2) Every parcel of land shall meet the minimum lot width requirements set forth in Appendix B and shall have frontage on and direct access to a public street which has been accepted for maintenance by the village.

(3) Except in the R-1A District, access to a single-family dwelling shall be limited to 1 individual driveway.

(D) *Application of yard regulations.*

(1) No part of a yard required for any building for the purposes of compliance with this chapter shall be included as a part of a yard or other open space similarly required for another building.

(2) All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the principal structure.

(3) All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear of the structure and the side or rear lot line parallel thereto.

(4) On corner lots the required front yards shall be provided along both street frontages.

(5) No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way except for those improvements authorized by the village.

(E) *Application of height regulations.*

(1) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, as set forth in Appendix B.

(2) Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, and screens, flagpoles, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits herein prescribed. No structure shall exceed by more than 15 feet the height limit of the district in which it is located.

(3) Communications towers shall be subject to the regulations set forth in § 151.087.

(F) *Location and number of buildings on lot of record.*

(1) Every building erected, altered, or moved shall be located on a lot of record as defined herein.

(2) (a) There shall be only 1 single-family dwelling permitted per lot.

(b) Where there is more than 1 single-family dwelling located on a lot of record at the time of adoption of this chapter, the dwelling shall not be divided from the lot except in conformity with the requirements of this chapter.

(Ord. 239, passed 3-5-2001, § 4.3) Penalty, see § 151.999

#### **§ 151.043 AG, AGRICULTURE DISTRICT.**

(A) *Purpose.*

(1) This District is composed of those areas of the village whose principal use is and ought to be farming.

(2) The regulations of this District are designed to conserve, stabilize, enhance, and develop farming and related resource-utilization activities, to minimize conflicting uses of parcels, lots, buildings, and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings, and structures which require streets, drainage, and other public activities and services of a different type and quantity than those normally required by these activities.

(B) *Permitted uses.*

(1) A single-family dwelling;

(2) Farming operation, which includes the land, plants, buildings, structure, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products, and in accordance with the Michigan Right to Farm Act, Public Act 93 of 1981, being M.C.L.A. §§ 286.471 - 286.474;

(3) A roadside stand, providing it is incidental to a permitted use and provided the nursery stock or other agricultural products sold at the stand are raised on the premises where the stand is located;

(4) Public and private recreation and conservation areas, such as forest preserve; game refuge; recreation parks and reservation; and similar public and private uses of low intensity use; and

(5) Any accessory use, building, or structure.

(C) *Conditional uses.*

(1) Public and private golf courses, golf driving ranges, clubs, garden, nurseries, and greenhouses;

(2) Community and governmental buildings;

(3) Public and private nurseries, primary and secondary schools, business schools, colleges, and universities;

(4) Churches and other institutions for religious worship;

(5) Veterinarians, animal clinics, and kennels; and

(6) Essential services.

(Ord. 239, passed 3-5-2001, § 4.4.1) Penalty, see § 151.999

**§ 151.044 R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT, LOW DENSITY.**

(A) *Purpose.* This District is composed in those areas of the village served by a public water supply system and a public sanitary sewer system where the principal use is intended to be single-family dwellings developed at a low density. In addition to the dwellings permitted in this Zoning District, there are certain nonresidential and public uses which may be permitted through the conditional approval of the village.

(B) *Permitted uses.*

- (1) A single-family dwelling and any use, building, or structure accessory thereto; and
- (2) Public parks and playgrounds.

(C) *Conditional uses.*

- (1) Cluster housing subject to the provisions of § 151.066;
- (2) Golf courses, but not including golf driving ranges;
- (3) Country clubs, public swimming pools and recreation clubs, private parks and playgrounds;
- (4) Churches and other institutions for religious worship;
- (5) Public and private nursery schools and kindergartens;
- (6) Group day-care homes and day-care centers subject to the provisions of § 151.072;
- (7) Adult foster care facilities subject to the provisions of § 151.073;
- (8) Public and private elementary, middle, and high schools;
- (9) Bed and breakfast establishments subject to the provisions of § 151.084; and
- (10) Public buildings.

(Ord. 239, passed 3-5-2001, § 4.4.2) Penalty, see § 151.999

**§ 151.045 R-1B, SINGLE-FAMILY RESIDENTIAL DISTRICT, MEDIUM DENSITY.**

(A) *Purpose.* This District is composed of those areas of the village served by a public water supply system and public sanitary sewer system where the principal use is intended to be single-family dwellings on moderately sized lots. In addition to the dwellings permitted in this Zoning District, there are certain nonresidential and public uses which may be permitted through the conditional approval of the village.

(B) *Permitted uses.* All permitted uses allowed in the R-1A District.

(C) *Conditional uses.* All conditional uses allowed in the R-1A District.

(Ord. 239, passed 3-5-2001, § 4.4.3) Penalty, see § 151.999

**§ 151.046 R-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, LOW DENSITY.**

(A) *Purpose.* This District is composed of those areas of the village where the principal use is intended to be multiple-family dwellings. The regulations of this District are designed to permit a lower density of population and land use intensity than is allowed in the R-3 District. Areas zoned R-2 shall be served by a public water supply system and a public sanitary sewerage system, and abut or are adjacent to the other uses, buildings, structures, or amenities which support, complement, or serve such a multiple-family density. In addition to the dwellings permitted in this Zoning District, there are certain nonresidential and public uses which may be permitted through the conditional approval of the village.

(B) *Permitted uses.*

- (1) All permitted uses allowed in the R-1A District;
- (2) Two-family dwellings and any use, building, or structure accessory thereto; and
- (3) Multiple-family dwellings and any use, building, or structure accessory thereto.

(C) *Conditional uses.* All conditional uses allowed in the R-1A District.

(Ord. 239, passed 3-5-2001, § 4.4.4) Penalty, see § 151.999

**§ 151.047 R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, MEDIUM DENSITY.**

(A) *Purpose.* This District is composed of those areas of the village where the principal use is intended to be multiple-family dwellings at a moderate density. The regulations of this District are designed to permit a medium density of population and land use intensity. Areas zoned R-3 shall be served by a public water supply system and a public sanitary sewerage system, and which abut or are adjacent to the other uses, buildings, structures, or amenities which support, complement, or serve such a multiple-family density. In addition to the dwellings permitted in this Zoning District, there are certain nonresidential and public uses which may be permitted through the conditional approval of the village.

(B) *Permitted uses.* All permitted uses allowed in the R-2 District.

(C) *Conditional uses.*

- (1) All conditional uses allowed in the R-1A District;
- (2) Medical and dental clinics, when associated with a hospital or nursing home;
- (3) Funeral establishments; and
- (4) Hospitals, nursing homes, and sanitariums.

(Ord. 239, passed 3-5-2001, § 4.4.5) Penalty, see § 151.999

**§ 151.048 MHP, MOBILE HOME PARK RESIDENTIAL DISTRICT.**

(A) *Purpose.* The intent of this District is to provide for mobile home residential development in areas where the natural conditions and features, public services, and infrastructure are capable of supporting the development. Areas zoned MHP shall be located in areas which are compatible with the character and density of adjacent uses.

(B) *Permitted Uses.*

- (1) Mobile home parks subject to the provisions set forth in § 151.071; and
- (2) Parks and playgrounds.

(C) *Conditional uses.* All conditional uses allowed in the R-1A District.

(Ord. 239, passed 3-5-2001, § 4.4.6) Penalty, see § 151.999

**§ 151.049 OS, OFFICE SERVICE DISTRICT.**

(A) *Purpose.* This district is designed primarily for the convenience of persons residing in the village by providing office, limited retail, and business service uses that serve the adjacent and surrounding neighborhoods. The district shall be characterized by uses that generally operate during normal business hours; are a compatible transitional use between commercial and residential areas and/or between thoroughfares and residential areas; and are located in buildings that are architecturally compatible with the residential community. It is the purpose of these regulations to permit development of the enumerated functions in a manner that is compatible with uses in the surrounding area. To these ends, certain uses are excluded that would function more effectively in other districts.

(B) *Permitted uses.*

- (1) Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales;
- (2) Medical and dental office, including clinics and medical laboratories;
- (3) Banks, credit unions, savings and loan associations;
- (4) Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices;
- (5) Photographic studios;
- (6) Retail office supply, computer and business machine sales;
- (7) Business service establishments, such as printing and photocopying services, mail and packaging services, and typing and secretarial services;

- (8) Florist shops;
- (9) Personal service establishments, such as barber and beauty shops; watch, clothing, and shoe repair; locksmith; and similar establishments;
- (10) Outdoor display of products or materials for retail sale or rental when accessory to a principal permitted use subject to the requirements of § 151.082;
- (11) A single-family dwelling and any use, building, or structure accessory thereto, established and existing at the time of adoption of this chapter;
- (12) Office buildings of architects, engineers, surveyors, community planners and other professions of similar nature;
- (13) Theaters and studios for professional work;
- (14) Governmental offices;
- (15) Training and/or educational centers where such centers are designed and intended to provide training at the business, technical, and/or professional level; and
- (16) *Employee services.* Employee services, such as a cafeteria, snack bar or exercise gym, may be permitted as an accessory use to a permitted or conditional land use in the Office Service District, provided such services are contained wholly within the principal structure and are offered to employees only.

(C) *Conditional uses.*

- (1) Private service clubs, social organizations, and lodge halls;
- (2) Funeral homes;
- (3) Multiple-family housing and/or apartment dwelling second floor and above;
- (4) Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted; and
- (5) Bed and breakfast establishments subject to the provisions of § 151.084.

(D) *Architectural standards.* The architectural standards contained in this section are intended to integrate the OS District into the existing fabric of the village, contributing to the cohesive historic identity of Manchester. Because of the planned lower density of development along the corridor, structures shall possess architectural quality and variety to establish its own identity and create a positive image for the village's OS District.

Development in the OS District, including new buildings, additions and renovations, shall be designed to preserve or complement the intended design character of corridor development, provide visual harmony, and protect the investment of adjacent landowners. These structures shall be reviewed by the Planning Commission under the following criteria:

(1) *Building orientation.* The intent of the OS District is to contribute to the desirability of pedestrian activity within the district and adjacent land uses, and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale described in this section. The following shall be considered:

(a) Buildings shall front towards and have their primary pedestrian entrance facing onto a public street or onto a major internal drive within a planned shopping center. The Planning Commission may permit buildings that face towards a side yard; provided that defined pedestrian access routes are provided to the public street, and features such as those described above are provided along walls that face the public street.

(b) Blank walls may not face a public street, and buildings must have windows and architectural features commonly associated with the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials, on walls that face the public street.

(2) *Building scale.* The intent is to create development that is similar in scale with the older buildings in the village by encouraging narrow facades, and discouraging single, large scale buildings.

(a) Building facades shall be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) compatible in size and scale to the surrounding buildings.

(b) 1. The height-to-width ratio of these subdivided facades of single-story buildings shall not exceed 1:2.

2. The height-to-width ratio of these subdivided facades of two-story buildings shall not exceed 1:1.

(3) *Defined streetscape.* Buildings that are to be located along a public road shall be designed to create a defined streetscape along the corridor, utilizing the following guidelines. The Planning Commission may require a perspective drawing or a scale model of the proposed structure.

(a) Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roofline shapes, windows, and doors.

(b) All new development, additions, or renovations shall provide sidewalk connections to adjacent properties and/or development.

(4) *Building materials and design.* The applicant must demonstrate the proposed buildings possess architectural quality and variety that create a distinct and harmonious character for the corridor. This shall be accomplished by the following:

(a) Variety in building design shall be provided by architectural features, details and ornaments such as archways, colonnades, towers, cornices or peaked rooflines.

(b) Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.

(c) Roof shape and materials shall be architecturally compatible with the district and enhance the predominant streetscape and surrounding developments. Gable, hip and gambrel roofs are encouraged as the predominant shapes along the corridor.

(d) The predominating surface plane of all building walls over 40 feet in length shall be varied through the use of architectural treatments, such as varying building lines, entrance accents, and windows.

(e) Where the side or rear facade(s) of a building will be visible from a residential zoning district or public land, such a facade shall be constructed to a finished quality comparable to the front facade. Otherwise, decorative block, such as split-faced or single-scored with an integral color, may be used for these facades. Painted block is prohibited.

(f) A building located on a corner lot shall provide distinct and prominent architectural features or site elements, which reflect the importance of the building's corner location and create a positive visual landmark. An entry feature or site landmark shall be required at the discretion of the Planning Commission.

(g) All mechanical equipment shall be shielded from public view.

(h) Exterior building materials and treatment shall maintain a consistent overall appearance within the OS District. Any side of a principal building, at least 50% of the facade shall be constructed of, or covered with, 1 or more of the following materials:

- 1. Brick: smooth and hard in form; red, dark-red, or brown in color;
- 2. Cut stone: carved and smooth-finish limestone;
- 3. Siding: wood clapboard or shingle siding, or high quality vinyl;
- 4. Glass windows and/or doors: non-reflective, clear or slightly tinted; and
- 5. Other materials similar to the above as determined by the Planning Commission.

(i) The first floor of front facade(s) for nonresidential structures shall include at least 30% non-reflective windows (clear or slightly tinted). The approximate size, shape, orientation and spacing shall match that of nonresidential buildings on adjacent lots.

(5) *Other site elements.* Signs, landscaping, walls, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with the intended character of the district.

(E) *Parking requirements.*

(1) OS District uses shall provide parking and loading in accordance with the provisions set forth in §§151.165et seq.

(2) Off-street parking shall be located in the side or rear yard, and in no case shall be located in the required front yard. On lots where parking requirements can not be met in the side and rear yards, the Planning Commission may permit off-street parking in a portion of the non-required front yard.

(3) Planning Commission may approve a reduction in parking requirements of up to 25%, if the applicant can demonstrate the use would be sufficiently served by the proposed amount of parking. Applicant shall demonstrate that the required parking could be accommodated on-site by delineation on the site plan. This parking would be banked for future utilization if the parking needs of the use were to change.

(4) Where off-street parking is visible from the public right-of-way, screening shall be provided within the required greenbelt area between the parking lot and the public right-of-way, and shall be accompanied by 1 of the following options:

<b>Parking Area Screening Options</b>	<b>Minimum Buffer Width</b>	<b>Minimum Landscaping Requirements</b>
Landscape strip	5 feet	10 shrubs per 30 feet
Three-foot-high, decorative metal fence	5 feet	5 shrubs per 30 feet
Three-foot-high wall	5 feet	5 shrubs per 30 feet

(a) A minimum 5-foot buffer area between the off-street parking and/or vehicular use area and the street right-of-way line, including plantings of at least 10 shrubs for every 30 feet, or fraction thereof, of street frontage of parking lot.

(b) A minimum 5-foot buffer area between the parking lot and the right-of-way, including a 36-inch-high, decorative metal fence (i.e., wrought iron). The fencing shall contain 4-inch spacing between metal pickets, with masonry pilasters spaced 24 feet apart, capped, and at least 16 inches to 21 inches wide. The minimum landscaping required in conjunction with the metal fence is 5 shrubs for every 30 feet, or fraction thereof, of street frontage of parking lot.

(c) A minimum 5-foot buffer area between the parking lot and the right-of-way, including a 36-inch-high, masonry screening wall in conjunction with the minimum landscaping requirement of 5 shrubs for every 30 feet, or fraction thereof, of street frontage of the parking lot. The wall shall be constructed of brick or masonry block, and shall also include a concrete, stone, or masonry cap.

(F) *Access management.*

(1) *Statement of purpose.* The purpose of this section is to provide access standards that will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

(2) *Commercial driveway definition.* For the purposes of this section, a **COMMERCIAL DRIVEWAY** is defined as any vehicular access except those serving 1 or 2 dwelling units, or serving just an essential public service structure.

(3) *Application of standards.*

(a) The standards of this section shall be applied to the Office Service (OS) District.

(b) The access standards contained herein shall be required in addition to, and, where permissible, shall supersede the requirements of the Washtenaw County Road Commission.

(c) The standards contained in this section shall apply to all uses.

(d) For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:

1. Size of the parcel is insufficient to meet the dimensional standards.

2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.

3. The use will generate less than 500 total vehicle trips per day or less than 75 total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.

4. There is no other reasonable means of access.

(4) *General standards for driveway location.*

(a) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade to be determined at engineering review.

(b) Driveways, including the radii or tapered approach, but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Village Engineer, and upon written certification (such as an easement) from the adjacent property owner agreeing to such encroachment.

(5) *Standards for the number of commercial driveways.* The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible to provide shared access, this access may be by a single commercial driveway. Additional commercial driveways may be permitted, at the discretion of the Planning Commission, only under 1 of the following circumstances:

(a) Two 2-way entrances are required on the major highway. Additional entrances for purposes of a service drive or access to secondary frontages may be approved in the site plan.

(b) Additional commercial driveways may be justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.

(6) *Driveway spacing standards.*

(a) *Between driveways.* The minimum spacing between 2 commercial driveways on the same side of the road shall be 185 feet.

(b) *Offsets.* To reduce left-turn conflicts, new commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of 250 feet along M-52 and 150 feet along other roadways. Longer offsets may be required, depending on the expected inbound left-turn volumes of the driveways, or sight-distance limitations.

(7) *Commercial driveway design.*

(a) All commercial driveways shall be designed according to the Village of Manchester Engineering Standards or the requirements of the Washtenaw County Road Commission, as appropriate.

(b) For high-traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require 2 clearly marked egress lanes.

(c) The edge of commercial driveways shall be setback at least 4 feet from the side or rear property line. This setback is intended to help control stormwater runoff, and permit snow storage on site, and provide an adequate area for any necessary on-site landscaping.

(8) *Service road design standards.*

(a) *Location.* Service roads shall generally be parallel or perpendicular to the rear property line, may be located either adjacent to or behind principal buildings, and shall not be permitted in front of the principal building. In considering the most appropriate alignment for a service road, the

Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.

(b) *Access easement.* The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be 60 feet wide. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.

(c) *Construction and materials.* Service roads shall have a base, pavement and curb with gutter in accordance with the Village of Manchester Engineering Standards for public streets, except the width of the service road shall have a minimum pavement width of 18 feet face-to-face of curb.

(d) *Parking.* The service road is intended to be used exclusively for circulation, not as a parking-maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

(e) *Access to service road.* The Planning Commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this section.

(f) *Elevation.* The site plan shall indicate the proposed elevation of the service road at the right-of-way line, and the village shall maintain a record of all service road elevations so that their grades can be coordinated.

(9) *Modification of standards for special situations.* The Planning Commission shall have the authority to modify the standards of this section upon consideration of the following:

(a) The standards of this section would prevent reasonable access to the site.

(b) Access via a shared driveway or service road is not possible due to the presence of existing buildings or topographic conditions.

(c) Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.

(d) The use involves the redesign of an existing development or a new use that will generate less traffic than the previous use.

(e) The proposed location and design is supported by the Village Engineer as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.

(f) The modification shall be of the minimum amount necessary, but in no case shall spacing to another full-access driveway be less than 60 feet, measured centerline to centerline.

(g) Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern, and the capability to meet the standards herein to the extent practical.

(G) *Additional requirements.* All permitted and conditional land uses in the OS District shall comply with all applicable provisions of this Zoning Ordinance.

(Ord. 239, passed 3-5-2001, § 4.4.7; Am. Ord. 263, passed 8-20-2007) Penalty, see § 151.999

**§ 151.050 C-2, GENERAL COMMERCIAL DISTRICT.**

(A) *Purpose.* This district is intended to accommodate office, business service, and retail uses that serve a larger market than the OS District, including the village and portions of the surrounding townships. It is the purpose of these regulations to permit development of the enumerated functions in a manner that is compatible with uses in the surrounding area. To these ends, certain uses are excluded that would function more effectively in other districts.

(B) *Permitted uses.*

- (1) All permitted and conditional uses allowed in the OS, Office Service District, with the exception of single-family dwellings;
- (2) Food services, including grocery, meat market, bakery, restaurant, delicatessen and fruit market, and similar self-service units, but not including any business of a drive-in type;
- (3) Retail sales of drug and health care products, hardware, gifts, dry goods, notions, sporting goods, clothing, furniture, and appliances;
- (4) Radio, television, and electrical appliance repair, and shops of plumbers, electricians, and other similar services and trades;
- (5) Sit-down and/or carryout restaurants;
- (6) Laundromats and dry-cleaning establishments;
- (7) Planned shopping centers; and
- (8) Accessory uses, buildings, or structures.

(C) *Conditional uses.*

- (1) Bar/lounge serving alcoholic beverages and/or providing entertainment;
- (2) Fast-food restaurants;
- (3) Lodging facilities;
- (4) Outdoor sales of manufactured products subject to the requirements set forth in § 151.079;
- (5) Sale of new and used automobiles, boats, mobile homes, farm machinery, and other vehicles, provided outdoor sales comply with the requirements set forth in § 151.079;
- (6) Automobile service stations and washes subject to the requirements set forth in § 151.081;
- (7) Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, billiard halls, and miniature golf;
- (8) Farm supply and feed stores; and
- (9) Group day care homes and day care centers subject to the provisions of § 151.072.

(D) *Architectural standards.* The architectural standards contained in this section are intended to integrate the C-2 District into the existing fabric of the village, contributing to the cohesive historic identity of Manchester. Because of the planned lower density of development along the corridor, structures shall possess architectural quality and variety to establish its own identity and create a positive image for the village's C-2 District.

Development in the C-2 District, including new buildings, additions and renovations, shall be designed to preserve or complement the intended design character of corridor development, provide visual harmony, and protect the investment of adjacent landowners. These structures shall be reviewed by the Planning Commission under the following criteria:

(1) *Building orientation.* The intent of the C-2 District is to contribute to the desirability of pedestrian activity within the district and adjacent land uses, and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale described in this section. The following shall be considered:

(a) Buildings shall front towards and have their primary pedestrian entrance facing onto a public street or onto a major internal drive within a planned shopping center. The Planning Commission may permit buildings, which face towards a side yard, provided that defined pedestrian access routes are provided to the public street, and features such as those described above are provided along walls that face the public street.

(b) Blank walls may not face a public street, and buildings must have windows and architectural features commonly associated with the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials, on walls that face the public street.

(2) *Building scale.* The intent is to create development that is similar in scale with the older buildings in the village by encouraging narrow facades, and discouraging single, large scale buildings.

(a) Building facades shall be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) that are compatible in size and scale to the surrounding buildings.

- (b) 1. The height-to-width ratio of these subdivided facades of single-story buildings shall not exceed 1:2.
- 2. The height-to-width ratio of these subdivided facades of two-story buildings shall not exceed 1:1.

(3) *Defined streetscape.* Buildings that are to be located along a public road shall be designed to create a defined streetscape along the corridor, utilizing the following guidelines. The Planning Commission may require a perspective drawing or a scale model of the proposed structure.

- (a) Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roofline shapes, windows, and doors.
- (b) All new development, additions, or renovations shall provide sidewalk connections to adjacent properties and/or development.

(4) *Building materials and design.* The applicant must demonstrate the proposed buildings possess architectural quality and variety that create a distinct and harmonious character for the corridor. This shall be accomplished by the following:

- (a) Variety in building design shall be provided by architectural features, details and ornaments such as archways, colonnades, towers, cornices or peaked rooflines.
- (b) Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.
- (c) Roof shape and materials shall be architecturally compatible with the district and enhance the predominant streetscape and surrounding developments. Gable, hip and gambrel roofs are encouraged as the predominant shapes along the corridor.
- (d) The predominating surface plane of all building walls over 40 feet in length shall be varied through the use of architectural treatments, such as varying building lines, entrance accents, and windows.
- (e) Where the side or rear facade(s) of a building will be visible from a residential zoning district or public land, such a facade shall be constructed to a finished quality comparable to the front facade. Otherwise, decorative block, such as split-faced or single-scored with an integral color, may be used for these facades. Painted block is prohibited.
- (f) A building located on a corner lot shall provide distinct and prominent architectural features or site elements that reflect the importance of the building's corner location and create a positive visual landmark. An entry feature or site landmark shall be required at the discretion of the Planning Commission.
- (g) All mechanical equipment shall be shielded from public view.
- (h) Exterior building materials and treatment shall maintain a consistent overall appearance within the C-2 district. Any side of a principal building, at least 50% of the facade shall be constructed of, or covered with, 1 or more of the following materials:

- 1. Brick: smooth and hard in form; red, dark-red, or brown in color;
- 2. Cut stone: carved and smooth-finish limestone;
- 3. Siding: wood clapboard or shingle siding, or high quality vinyl;
- 4. Glass windows and/or doors: non-reflective, clear or slightly tinted; and
- 5. Other materials similar to the above as determined by the Planning Commission.

(i) The first floor of front facade(s) for nonresidential structures shall include at least 30% non-reflective windows (clear or slightly tinted). The approximate size, shape, orientation and spacing shall match that of nonresidential buildings on adjacent lots. The remainder of the structure shall meet the above standards in § 151.050(D)(4)(g), in addition to the 30% window on the front facade(s).

(5) *Other site elements.* Signs, landscaping, walls, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with the intended character of the district.

(E) *Parking requirements.*

- (1) C-2 District uses shall provide parking and loading in accordance with the provisions set forth in §§ 151.165 *et seq.*
- (2) Off-street parking shall be located in the side or rear yard, and in no case shall be located in the required front yard. On lots where parking requirements can not be met in the side and rear yards, the Planning Commission may permit off-street parking in a portion of the non-required front yard.
- (3) Planning Commission may approve a reduction in parking requirements of up to 25%, if the applicant can demonstrate the use would be sufficiently served by the proposed amount of parking. Applicant shall demonstrate that the required parking could be accommodated on-site by delineation on the site plan. This parking would be banked for future utilization if the parking needs of the use were to change.
- (4) Where off-street parking is visible from the public right-of-way, screening shall be provided within the required greenbelt area between the parking lot and the public right-of-way, and shall be accompanied by 1 of the following options:

Parking Area Screening Options	Minimum Buffer Width	Minimum Landscaping Requirements
--------------------------------	----------------------	----------------------------------

Landscape strip	5 feet	10 shrubs per 30 feet
Three-foot-high, decorative metal fence	5 feet	5 shrubs per 30 feet
Three-foot-high wall	5 feet	5 shrubs per 30 feet

(a) A minimum-5-foot buffer area between the off-street parking and/or vehicular use area and the street right-of-way line, including plantings of at least 10 shrubs for every 30 feet, or fraction thereof, of street frontage of parking lot.

(b) A minimum-5-foot buffer area between the parking lot and the right-of-way, including a 36-inch-high, decorative metal fence (i.e., wrought iron). The fencing shall contain 4-inch spacing between metal pickets, with masonry pilasters spaced 24 feet apart, capped, and at least 16 inches to 21 inches wide. The minimum landscaping required in conjunction with the metal fence is 5 shrubs for every 30 feet, or fraction thereof, of street frontage of parking lot.

(c) A minimum-5-foot buffer area between the parking lot and the right-of-way, including a 36-inch-high, masonry screening wall in conjunction with the minimum landscaping requirement of 5 shrubs for every 30 feet, or fraction thereof, of street frontage of the parking lot. The wall shall be constructed of brick or masonry block, and shall also include a concrete, stone, or masonry cap.

(F) *Access management.*

(1) *Statement of purpose.* The purpose of this section is to provide access standards that will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

(2) *Commercial driveway definition.* For the purposes of this section, a **COMMERCIAL DRIVEWAY** is defined as any vehicular access except those serving 1 or 2 dwelling units, or serving just an essential public service structure.

(3) *Application of standards.*

(a) The standards of this section shall be applied to the General Commercial (C-2) District.

(b) The access standards contained herein shall be required in addition to, and, where permissible, shall supersede the requirements of the Washtenaw County Road Commission.

(c) The standards contained in this section shall apply to all uses.

(d) For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:

1. Size of the parcel is insufficient to meet the dimensional standards.

2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.

3. The use will generate less than 500 total vehicle trips per day or less than 75 total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.

4. There is no other reasonable means of access.

(4) *General standards for driveway location.*

(a) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade to be determined at engineering review.

(b) Driveways, including the radii or tapered approach, but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Village Engineer, and upon written certification (such as an easement) from the adjacent property owner agreeing to such encroachment.

(5) *Standards for the number of commercial driveways.* The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible to provide shared access, this access may be by a single commercial driveway. Additional commercial driveways may be permitted, at the discretion of the Planning Commission, only under 1 of the following circumstances:

(a) Two 2-way entrances are required on the major highway. Additional entrances for purposes of a service drive or access to secondary frontages may be approved in the site plan.

(b) Additional commercial driveways may be justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.

(6) *Driveway spacing standards.*

(a) *Between driveways.* The minimum spacing between 2 commercial driveways on the same side of the road shall be 185 feet.

(b) *Offsets.* To reduce left-turn conflicts, new commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of 250 feet along M-52 and 150 feet along other roadways. Longer offsets may be required, depending on the expected inbound left-turn volumes of the driveways, or sight-distance limitations.

(7) *Commercial driveway design.*

(a) All commercial driveways shall be designed according to the Village of Manchester Engineering Standards or the requirements of the Washtenaw County Road Commission, as appropriate.

(b) For high-traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require 2 clearly marked egress lanes.

(c) The edge of commercial driveways shall be setback at least 4 feet from the side or rear property line. This setback is intended to help control stormwater runoff, and permit snow storage on site, and provide an adequate area for any necessary on-site landscaping.

(8) *Service road design standards.*

(a) *Location.* Service roads shall generally be parallel or perpendicular to the rear property line, may be located either adjacent to or behind principal buildings, and shall not be permitted in front of the principal building. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.

(b) *Access easement.* The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be 60 feet wide. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.

(c) *Construction and materials.* Service roads shall have a base, pavement and curb with gutter in accordance with the Village of Manchester Engineering Standards for public streets, except the width of the service road shall have a minimum pavement width of 18 feet face-to-face of curb.

(d) *Parking.* The service road is intended to be used exclusively for circulation, not as a parking-maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

(e) *Access to service road.* The Planning Commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this section.

(f) *Elevation.* The site plan shall indicate the proposed elevation of the service road at the right-of-way line, and the village shall maintain a record of all service road elevations so that their grades can be coordinated.

(9) *Modification of standards for special situations.* The Planning Commission shall have the authority to modify the standards of this section upon consideration of the following:

(a) The standards of this section would prevent reasonable access to the site.

(b) Access via a shared driveway or service road is not possible due to the presence of existing buildings or topographic conditions.

(c) Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.

(d) The use involves the redesign of an existing development or a new use that will generate less traffic than the previous use.

(e) The proposed location and design is supported by the Village Engineer as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.

(f) The modification shall be of the minimum amount necessary, but in no case shall spacing to another full-access driveway be less than 60 feet, measured centerline to centerline.

(g) Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern, and the capability to meet the standards herein to the extent practical.

(G) *Additional requirements.* All permitted and conditional land uses in the C-2 District shall comply with all applicable provisions of this Zoning Ordinance.



**§ 151.051 CBD, CENTRAL BUSINESS DISTRICT.**

(A) *Purpose.* This District is designed to provide for a variety of office, business service, entertainment, and retail uses which occupy the prime retail frontage, by serving the comparison, convenience, and service needs of the market area which includes the village and surrounding townships. The regulations of the CBD District 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 the continuity.

(B) *Permitted uses.*

- (1) All permitted uses allowed in the C-2 District;
- (2) Theaters, when completely enclosed;
- (3) Newspaper offices and printing plants;
- (4) Post offices;
- (5) Private service clubs, social organizations, and lodge halls; and
- (6) Parks and playgrounds.

(C) *Conditional uses.*

- (1) Bar/lounge serving alcoholic beverages and/or providing entertainment;
- (2) Fast-food restaurants;
- (3) Lodging facilities;
- (4) Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, and billiard halls;
- (5) Multiple-family housing and/or apartment dwellings on the second floor and above; and
- (6) Sidewalk café service, operated by a restaurant or other food establishment which sells food for immediate consumption, subject to the requirements set forth in § 151.083.

(Ord. 239, passed 3-5-2001, § 4.4.9) Penalty, see § 151.999

**§ 151.052 I-1, LIMITED INDUSTRIAL DISTRICT.**

(A) *Purpose.* This District is designed to accommodate industrial, storage, and other uses that generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is the purpose of these regulations to permit development of the enumerated functions to protect surrounding areas from incompatible industrial activities, to restrict the intrusion of nonrelated uses such as residential, agricultural, business and commercial, except retail businesses that normally do not require the customer to call at the place of business, and to encourage the discontinuance of uses presently existing in the district which are nonconforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this District.

(B) *Permitted uses.*

- (1) Research-oriented and light industrial park uses;
- (2) Printing, lithographic, blueprinting, commercial laundries, dry cleaning establishments, wholesale business, ice and cold storage plants, lumber, fuel and feed supply yards, and other similar uses;
- (3) Light manufacturing, research, assembly, testing, and repair of components, devices, equipment, and systems of professional scientific and controlling instruments, photographic and optical goods, including the following:
  - (a) Communication, transmission, and reception equipment such as coils, tubes, semi-conductors, navigation control equipment, and systems guidance equipment;
  - (b) Data processing equipment and systems;
  - (c) Graphics and art equipment;
  - (d) Metering instruments;
  - (e) Optical devices, equipment, and systems;
  - (f) Stereo, audio units, radio equipment and systems;
  - (g) Photographic equipment;
  - (h) Radar, infrared, and ultraviolet equipment and systems;
  - (i) Scientific and mechanical instruments such as calipers and transits; and
  - (j) Testing equipment.
- (4) Light manufacturing, processing, or assembling of the following:
  - (a) Biological products, drugs, medicinal chemicals, and pharmaceutical preparation;
  - (b) Electrical machinery, equipment, and supplies, electronic equipment and accessories; and
  - (c) Office, computing, and accounting machines.
- (5) Research and design centers where the center are intended for the development of pilot or experimental products, together with related office buildings for the research facilities where the offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel;
- (6) Data processing and computer centers, including the servicing and maintenance of electronic data processing equipment;
- (7) Warehousing, refrigerated and general storage, but not including self-storage facilities;
- (8) Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services; and
- (9) Training and/or educational centers where the centers are designed and intended to provide training at the business, technical, and/or professional level.

(C) *Conditional uses.*

- (1) Restaurants and cafeteria facilities for employees;
- (2) Trucking and transit terminals;
- (3) Contractors' establishments subject to the requirements set forth in § 151.080;
- (4) Metal fabrication, and tool and die shops;
- (5) Automobile repair garages and paint shops for autos and other vehicles, construction and farm equipment sales;
- (6) Computer and business machine sales when conducted in conjunction with and accessory to a permitted principal use; and
- (7) Self-storage facilities, subject to the requirement of § 151.078.

(Ord. 239, passed 3-5-2001, § 4.4.10) Penalty, see § 151.999

**§ 151.053 I-2, GENERAL INDUSTRIAL DISTRICT.**

(A) *Purpose.* This District is designed to provide the location and space for all manner of industrial, wholesale, and industrial storage uses. It is the purpose of these regulations to permit the development of certain functions, to protect the surrounding areas from incompatible industrial activities, to restrict the intrusion of nonrelated uses such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the District, which are nonconforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other Districts and which would interfere with the operation of the uses permitted in this District.

(B) *Permitted uses.*

- (1) All permitted uses allowed in I-1 District;
- (2) Contractor's establishments, provided all products, material, and equipment are stored within an enclosed building;
- (3) Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards;
- (4) Manufacturing, processing, packaging, or assembling of the following:
  - (a) Pharmaceutical preparations, cosmetics and toiletries;

- (b) Plastic products such as laminate, pipe, plumbing products, and miscellaneous molded or extruded products;
- (c) Stone, clay, glass, and leather products;
- (d) Food products, bakery goods, candy, and beverages;
- (e) Prefabricated buildings and structured members; and
- (f) Appliances.
- (5) Metal fabrication and tool and die shops;
- (6) Fabrication of paper and wood products such as office supplies, bags, books, cabinets, furniture, and toys;
- (7) Packaging operations, but not including baling of discarded or junk materials, such as, but not limited to, paper, cloth, rags, lumber, metal, or glass;
- (8) Printing, publishing, or related activities;
- (9) Manufacture and repair of signs, and heating and ventilating equipment; and
- (10) Recycling operations.
- (C) *Conditional uses.*
  - (1) Mineral mining and extractive operation subject to the requirements set forth in § 151.085; and
  - (2) Major automobile repair facilities and collision shops.

(Ord. 239, passed 3-5-2001, § 4.4.11) Penalty, see § 151.999

**§ 151.054 RC. REGIONAL COMMERCIAL.**

(A) *Purpose.* The Regional Commercial (RC) District is a mixed use business district in the village, which is separate and distinct from the central business district. The location of the RC District is intended for the outskirts of the village, along main transportation routes into the village such as M-52 and Austin Road. The RC District offers a diverse range of businesses and services to the community and the region, which cater to the motoring public. The uses in the RC District may generate more activity than other uses within the village in terms of traffic and noise. Therefore, uses adjacent to residential uses, where permitted, are required to provide setbacks, buffering and sensitive site design. Development and redevelopment in the RC District is to be orderly and planned, to complement adjoining uses and harmonize with the surrounding area in terms of the physical site layout, access, building design, pedestrian/bike facilities, landscaping, parking arrangements, and lighting. Developments within the RC District shall comply with the dimensional requirements noted in the following table.

Regional Commercial (RC) Schedule of Regulations								
				Maximum Yard Setback (feet)*				
Minimum Lot Size		Maximum Building Height		Front	Side		Rear	Maximum Lot Coverage
Area	Lot Width	Stories	Feet		Least	Total		
10 acres	660 feet	2.5	35	25	15	30	35	20%

\* The minimum distance of any principal building from the ordinary high water mark shall be 50 feet.

- (B) *Permitted uses.*
  - (1) Office buildings for the use of any of the following occupations: executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales.
  - (2) Medical and dental office, including clinics.
  - (3) Drive-through banks, credit unions, savings and loan associations.
  - (4) Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices.
  - (5) Full service grocery store, with a minimum size of 20,000 square feet, that may include within a meat market, bakery, deli, and fruit market.
  - (6) Retail sales of drug and health care products, sporting goods, clothing, furniture, and appliances (minimum of 7,500 square feet).
  - (7) Radio, television, and audio installation and repair.
  - (8) Sit-down and/or carryout restaurants.
  - (9) Data processing and computer centers, including the servicing and maintenance of electronic data-processing equipment.
  - (10) Business service establishments, such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
  - (11) Training and/or educational centers, where such centers are designed and intended to provide training at the business, technical and/or professional level.
  - (12) Indoor physical fitness and/or therapy establishments that may include, but not be limited to, weight-training facilities, swimming pools, and gymnasiums.
- (C) *Conditional uses.*
  - (1) Post offices.
  - (2) Automobile service stations and washes, subject to the requirements set forth in §151.081.
  - (3) Sale of new and used automobiles, boats, mobile homes, farm machinery, and other vehicles (snowmobiles, all-terrain vehicles, motorcycles, scooters), provided outdoor sales comply with the requirements set forth in § 151.079.
  - (4) Lodging facilities.
  - (5) Funeral homes.
  - (6) Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted.
  - (7) Convalescent or nursing home.
  - (8) Bar/lounge serving alcoholic beverages and/or providing entertainment.
  - (9) Recreation and amusement services, including bowling alleys, ice skating rinks, miniature golf, and driving range.
  - (10) Outdoor display of products or materials for retail sale or rental when accessory to a principal permitted use subject to the requirements of §51.082.
  - (11) Laundromats and dry-cleaning establishments.
  - (12) Enclosed theaters.
  - (13) Newspaper offices and printing plants.
  - (14) Research and development.
  - (15) Printing, lithographic, blueprinting, commercial laundries, wholesale businesses, ice and cold storage plants, lumber, fuel and feed supply yards, and other similar uses.
  - (16) Private service clubs, social organizations and lodge halls.
- (D) *Landscaping, screening or buffering.* Submission of a landscape plan to the Planning Commission for review and approval shall be required, based on requirements set forth in this division. Landscaping shall include the following requirements:
  - (1) *Minimum plant material standards.* All proposed landscaping shall meet the minimum plant material standards outlined in §151.101(J) and (K). A performance guarantee may be required in accordance with § 151.026. Minimum plant sizes at time of installation shall be according to the following:
  - (2) *Required greenbelt along street frontage.* A 15-foot-wide greenbelt shall be planted along each public street right-of-way, including the equivalent of 1 canopy tree, rounded upward, for every 40 linear feet of frontage. All greenbelt trees shall be uniformly spaced to create a tree-lined corridor. The remaining greenbelt shall, with the exception of permitted driveways, sidewalks, signs, and utilities, include only living materials.
  - (3) *On-site landscaping.* For every new development in the RC District, there shall be interior landscaping areas and shall meet the requirements set forth in §51.101(G).
  - (4) *Interior parking lot landscaping.* Off-street parking areas containing 25 or more parking spaces shall provide internal landscaping, other than that required in a buffer zone or along the frontage, protected by a raised standard or rolled concrete curb.

(a) Interior parking lot landscaping shall be provided in accordance with the following:

1. Twenty-five through 100 spaces: 1 canopy/deciduous tree and 100 square feet of landscaped area per 10 spaces, rounded upward.
2. One hundred one through 200 spaces: 1 canopy/deciduous tree and 100 square feet of landscaped area per 12 spaces, rounded upward.
3. Two hundred one spaces or more: 1 canopy/deciduous tree and 100 square feet of landscaped area per 15 spaces, rounded upward.

(b) The minimum size of a landscaped area shall be 100 square feet and at least 10 feet in width.

(c) Landscaped areas shall be covered by grass, other living ground cover, or wood mulch.

(d) Required trees shall be located a minimum of 3 feet from any curb or pavement surface to minimize potential damage by vehicles.

(e) The internal landscaping shall be located and designed to direct traffic flow, particularly near site entrances. Additional landscaping shall be dispersed through the lot to define vehicular circulation, improve site aesthetics, provide shade, and installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

(5) *Buffer zone requirements.*

(a) Upon any improvement for which a site plan is required, a landscape buffer shall be required to create a visual screen, at least 6 feet in height, along all adjoining boundaries with a residential use or land that is zoned residential. In addition, the landscape buffer shall be provided if any improvement, for which a site plan is required, is across the road from a residential use or land that is zoned residential.

(b) A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least 80%. Opacity shall be measured by observation of any 2-square-yard area of landscape screen, between 1 foot above the established grade of the area to be concealed and the top or the highest point of the required screen. Provided the minimum size of plant material provided herein at the time of installation, the opacity standard shall be met, based upon reasonably anticipated growth over a period of 3 years. The applicant shall agree, in writing, to install additional plantings after the expiration of 3 years, in the event that the landscaping has not screened the view of areas as required.

(c) Where there is a need to provide a greater visual, noise or dust barrier, or to screen more intense development, a solid wall or fence may be required. Such wall or fence shall be a minimum of 6 feet in height, as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with textured concrete, split-face concrete block, wood, brick or stone. Pre-cast panels and formed concrete structures may be used if they provide surface detail and texture equal to, or greater than, the materials just named. In addition, a minimum of 1 tree and 6 shrubs meeting the minimum size requirements provided herein shall be planted adjacent to and for each 30 lineal feet of wall or fence.

(6) *Waiver from landscaping and screening requirements.* During site plan review, the Planning Commission may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of required off-street parking area landscaping, greenbelts or on-site landscaping. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section. Criteria that shall be used when considering a waiver shall include, but shall not be limited to:

- (a) Existing natural vegetation;
- (b) Topography;
- (c) Existing wetland, floodplain and poor soil areas;
- (d) Existing and proposed building placement;
- (e) Building heights;
- (f) Adjacent land uses;
- (g) Distance between land uses;
- (h) Dimensional conditions unique to the parcel;
- (i) Traffic sight distances;
- (j) Traffic operational characteristics on and off site;
- (k) Visual, noise and air pollution levels; and
- (l) Health, safety and welfare of the Village.

(E) *Architectural standards.*

(1) The architectural standards contained in this section are intended to integrate the RC District into the existing fabric of the village, contributing to the cohesive historic identity of Manchester. Because of the planned lower density of development along the corridor, structures shall possess architectural quality and variety to establish its own identity and create a positive image for the RC District.

(2) Development in the RC District, including new buildings, additions and renovations, shall be designed to preserve or complement the intended design character of corridor development, provide visual harmony, and protect the investment of adjacent landowners. These structures shall be reviewed by the Planning Commission under the following criteria:

(a) *Building orientation.* The intent of the RC District is to contribute to the desirability of pedestrian activity within the district and adjacent land uses, and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale described in this section. The following shall be considered:

1. Buildings shall front towards and have their primary pedestrian entrance facing onto a public street, or onto a major internal drive within a planned shopping center. The Planning Commission may permit buildings that face towards a side yard, provided that defined pedestrian access routes are provided to the public street, and features such as those described above are provided along walls that face the public street.

2. Blank walls may not face a public street, and buildings must have windows and architectural features commonly associated with the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials, on walls that face the public street.

(b) *Building scale.* The intent is to create development that is similar in scale with the older buildings in the village by encouraging narrow facades, and discouraging single, large scale buildings.

1. Building facades shall be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) compatible in size and scale to the surrounding buildings.

2. a. The height-to-width ratio of these subdivided facades of single-story buildings shall not exceed 1:2.

b. The height-to-width ratio of these subdivided facades of two-story buildings shall not exceed 1:1.

(c) *Defined streetscape.* Buildings that are to be located along a public road shall be designed to create a defined streetscape along the corridor utilizing the following guidelines. The Planning Commission may require a perspective drawing or a scale model of the proposed structure.

1. Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roofline shapes, windows and doors.

2. All new development, additions or renovations shall provide sidewalk connections to adjacent properties and/or development.

(d) *Building materials and design.* The applicant must demonstrate the proposed buildings possess architectural quality and variety that create a distinct and harmonious character for the corridor. This shall be accomplished by the following:

1. Variety in building design shall be provided by architectural features, details and ornaments, such as archways, colonnades, towers, cornices or peaked rooflines.

2. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.

3. Roof shape and materials shall be architecturally compatible with the district and enhance the predominant streetscape and surrounding developments. Gable, hip and gambrel roofs are encouraged as the predominant shapes along the corridor.

4. The predominating surface plane of all building walls over 40 feet in length shall be varied through the use of architectural treatments, such as varying building lines, entrance accents, and windows.

5. Where the side or rear facade(s) of a building will be visible from a residential zoning district or public land, such a facade shall be constructed to a finished quality comparable to the front facade. Otherwise, decorative block, such as split-faced or single-scored with an integral color, may be used for these facades. Painted block is prohibited.

6. A building located on a corner lot shall provide distinct and prominent architectural features or site elements that reflect the importance of the building's corner location and create a positive visual landmark. An entry feature or site landmark shall be required at the discretion of the Planning Commission.

7. All mechanical equipment shall be shielded from public view.

8. Exterior building materials and treatment shall maintain a consistent overall appearance within the RC District. Any side of a principal building, at least 50% of the facade shall be constructed of, or covered with, 1 or more of the following materials:

- a. Brick: smooth, hard in form; red, dark-red, or brown in color;
- b. Cut stone: carved and smooth-finish limestone;
- c. Siding: wood clapboard or shingle siding, or high quality vinyl;

- d. Glass windows and/or doors: non-reflective, clear or slightly tinted; and
- e. Other materials similar to the above as determined by the Planning Commission.

9. The first floor of front facade(s) for nonresidential structures shall include at least 30% non-reflective windows (clear or slightly tinted). The approximate size, shape, orientation and spacing shall match that of nonresidential buildings on adjacent lots. The remainder of the structure shall meet the above standards in division (E)(2)d.7., in addition to the 30% window on the front facade(s).

(e) *Other site elements.* Signs, landscaping, walls, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with the intended character of the district.

(F) *Parking requirements.*

- (1) RC District uses shall provide parking and loading in accordance with the provisions set forth in §§151.165et seq.
- (2) Off-street parking shall be located in the side or rear yard, and in no case shall be located in the required front yard. On lots where parking requirements can not be met in the side and rear yards, the Planning Commission may permit off-street parking in a portion of the non-required front yard.
- (3) The Planning Commission may approve a reduction in parking requirements of up to 25%, if the applicant can demonstrate the use would be sufficiently served by the proposed amount of parking. Applicant shall demonstrate that the required parking could be accommodated on-site by delineation on the site plan. This parking would be banked for future utilization if the parking needs of the use were to change.
- (4) Where off-street parking is visible from the public right-of-way, screening shall be provided within the required greenbelt area, between the parking lot and the public right-of-way, and shall be accompanied by 1 of the following options:

<b>Parking Area Screening Options</b>	<b>Minimum Buffer Width</b>	<b>Minimum Landscaping Requirements</b>
Landscape strip	5 feet	10 shrubs per 30 feet
Three-foot-high, decorative metal fence	5 feet	5 shrubs per 30 feet
Three-foot-high wall	5 feet	5 shrubs per 30 feet

(a) A minimum-5-foot buffer area between the off-street parking and/or vehicular use area and the street right-of-way line, including plantings of at least 10 shrubs for every 30 feet, or fraction thereof, of street frontage of parking lot.

(b) A minimum-5-foot buffer area between the parking lot and the right-of-way, including a 36-inch-high, decorative metal fence (i.e., wrought iron). The fencing shall contain 4-inch spacing between metal pickets, with masonry pilasters spaced 24-feet apart, capped, and at least 16 inches to 21 inches wide. The minimum landscaping required in conjunction with the metal fence is 5 shrubs for every 30 feet, or fraction thereof, of street frontage of parking lot.

(c) A minimum-5-foot buffer area between the parking lot and the right-of-way, including a 36-inch-high, masonry screening wall in conjunction with the minimum landscaping requirement of 5 shrubs for every 30 feet, or fraction thereof, of street frontage of the parking lot. The wall shall be constructed of brick or masonry block, and shall also include a concrete, stone, or masonry cap.

(G) *Access management.*

(1) *Statement of purpose.* The purpose of this section is to provide access standards that will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

(2) *Commercial driveway definition.* For the purposes of this section, a **COMMERCIAL DRIVEWAY** is defined as any vehicular access except those serving 1 or 2 dwelling units, or serving just an essential public service structure.

(3) *Application of standards.*

- (a) The standards of this section shall be applied to the Regional Commercial (RC) District.
- (b) The access standards contained herein shall be required in addition to, and, where permissible, shall supersede the requirements of the Washtenaw County Road Commission.
- (c) The standards contained in this section shall apply to all uses.
- (d) For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:
  - 1. Size of the parcel is insufficient to meet the dimensional standards.
  - 2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
  - 3. The use will generate less than 500 total vehicle trips per day or less than 75 total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.
  - 4. There is no other reasonable means of access.

(4) *General standards for driveway location.*

- (a) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade to be determined at engineering review.
- (b) Driveways, including the radii or tapered approach, but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Village Engineer, and upon written certification (such as an easement) from the adjacent property owner agreeing to such encroachment.
- (5) *Standards for the number of commercial driveways.* The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible to provide shared access, this access may be by a single commercial driveway. Additional commercial driveways may be permitted, at the discretion of the Planning Commission, only under 1 of the following circumstances:

- (a) Two 2-way entrances are required on the major highway. Additional entrances for purposes of a service drive or access to secondary frontages may be approved in the site plan.
- (b) Additional commercial driveways may be justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.

(6) *Driveway spacing standards.*

- (a) *Between driveways.* The minimum spacing between 2 commercial driveways on the same side of the road shall be 185 feet.
- (b) *Offsets.* To reduce left-turn conflicts, new commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of 250 feet along M-52, and 150 feet along other roadways. Longer offsets may be required, depending on the expected inbound left-turn volumes of the driveways, or sight-distance limitations.

(7) *Commercial driveway design.*

- (a) All commercial driveways shall be designed according to the Village of Manchester Engineering Standards or the requirements of the Washtenaw County Road Commission, as appropriate.
- (b) For high-traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require 2 clearly marked egress lanes.
- (c) The edge of commercial driveways shall be setback at least 4 feet from the side or rear property line. This setback is intended to help control stormwater runoff, and permit snow storage on site, and provide an adequate area for any necessary on-site landscaping.

(8) *Service road design standards.*

- (a) *Location.* Service roads shall generally be parallel or perpendicular to the rear property line, may be located either adjacent to or behind principal buildings, and shall not be permitted in front of the principal building. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
- (b) *Access easement.* The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be 60 feet wide. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.
- (c) *Construction and materials.* Service roads shall have a base, pavement and curb with gutter in accordance with the Village of Manchester Engineering Standards for public streets, except the width of the service road shall have a minimum pavement width of 18 feet face-to-face of curb.
- (d) *Parking.* The service road is intended to be used exclusively for circulation, not as a parking-maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

- (e) *Access to service road.* The Planning Commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this section.
- (f) *Elevation.* The site plan shall indicate the proposed elevation of the service road at the right-of-way line, and the village shall maintain a record of all service road elevations so that their grades can be coordinated.
- (9) *Modification of standards for special situations.* The Planning Commission shall have the authority to modify the standards of this section, upon consideration of the following:
  - (a) The standards of this section would prevent reasonable access to the site.
  - (b) Access via a shared driveway or service road is not possible due to the presence of existing buildings or topographic conditions.
  - (c) Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
  - (d) The use involves the redesign of an existing development or a new use that will generate less traffic than the previous use.
  - (e) The proposed location and design is supported by the Village Engineer as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.
  - (f) The modification shall be of the minimum amount necessary, but in no case shall spacing to another full-access driveway be less than 60 feet, measured centerline to centerline.
  - (g) Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern, and the capability to meet the standards herein to the extent practical.
- (H) *Additional requirements.* All permitted and conditional land uses in the RC District shall comply with all applicable provisions of this Zoning Ordinance.

(Ord. 260, passed 6-4-2007) Penalty, see § 151.999

## SPECIAL PROVISIONS

### § 151.065 INTENT.

The intent of §§ 151.065*et seq.* is to provide for those regulations which generally apply regardless of the particular zoning district and to those conditional uses which may be permitted in certain zoning districts.

(Ord. 239, passed 3-5-2001, § 5.1)

### § 151.066 CLUSTER HOUSING OPTION.

- (A) *Generally.* The cluster housing option may be applied for as a conditional use in R-1A, R-1B, R-2, and R-3 Districts subject to the standards set forth in § 151.022 and this section.
- (B) *Intent.* The intent of the cluster housing option is to permit the development of single-family residential patterns which, through design innovation, will:
  - (1) Allow greater flexibility;
  - (2) Encourage a more creative approach to the development of single-family residential areas;
  - (3) Encourage a more efficient, aesthetic, and desirable use of the land;
  - (4) Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets; and
  - (5) Encourage the provision of open space so that benefits may accrue directly to the residents of the development.
- (C) *Qualification of parcels.* The parcel must be located in a district zoned for residential use and must meet 1 or more of the following characteristics listed below. Requests for qualification under these conditions must be supported by documented evidence supplied by the applicant in either narrative or graphic form.
  - (1) The parcel contains natural assets which would be preserved through the use of cluster development. The assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, bodies of water, unusual topographic features, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
  - (2) The parcel contains major topographic conditions which would require mass grading resulting in loss of significant natural features.
  - (3) The parcel contains substantial portions of flood plain and wetlands. A flood plain and wetlands map indicating the extent of the wetlands and flood plain area shall be submitted to the Planning Commission in order to support the proposal for the parcel's qualification for cluster development.
  - (4) The parcel, due to its size or shape, cannot be reasonably developed as a conventional subdivision or site condominium development.
- (D) *Site design requirements.* All cluster developments submitted under this option shall conform to the following site design requirements.
  - (1) *Attached or detached.* Development is permitted as either attached or detached dwelling units, provided the number of attached units shall not exceed 20% of the total number of units in an R-1A and R-1B District.
  - (2) *Open space.*
    - (a) When completed, the development shall have 20% of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted to active and/or passive outdoor recreational purposes. Dedication of open space shall comply with the standards set forth in § 151.082. Designated open space shall include area within any greenbelts required by this division (D), subject to the restrictions contained herein.
    - (b) The computation of designated open space shall not include: rights-of-way or easements designated for road purposes; areas within the minimum setbacks of a dwelling unit; land which is under water (lakes, streams, water courses, and other similar bodies of water); any area to be improved into a lake or pond; and/or more than 25% of the area of regulated wetlands.
  - (3) *Greenbelt adjacent and parallel to public streets.*
    - (a) In addition to any required minimum setback specified in division (D)(6) below, a greenbelt, the minimum width as set forth below, shall be required along any adjacent public street. The greenbelt shall be measured from the street right-of-way. The village, at its discretion, may permit either reductions or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
    - (b) The following minimum greenbelt from adjacent public streets shall be applied:

District	Minimum Width of Greenbelt From Adjacent Public Streets (in feet)
R-1A	50
R-1B	50
R-2	50
R-3	75

(4) *Transition from adjacent parcels.* In order to provide an orderly transition of density when a cluster development abuts a single-family residential district of equal or lower density, the Planning Commission, at its discretion, may require 1 or more of the following measures: designation of open space along the common boundaries; screening in accordance with the requirements of § 151.101; and/or an area or row of lots of commensurate size as neighboring residential lots.

(5) *Density.* The number of dwelling units within any development permitted hereunder shall not exceed the number of dwelling units permitted in the Zoning District in which the proposed development is located without application of the cluster housing option. The applicant must submit a concept plan that illustrates a site layout without the cluster option and all applicable ordinances and laws observed.

(6) *Setbacks.* Minimum setback requirements are established in a manner which permits variation in the siting of individual dwelling units in order to encourage creativity in design and compatibility with natural resource features. The minimum setback requirements for each dwelling unit shall be shown on the site plan as follows.

- (a) In the case of single-family detached dwellings, the following minimum setbacks shall be applied:

Minimum Yard Setbacks Per Unit					
District	Front	Rear	Total Front and Rear	Side	
				Least	Total
R-1A	20	30	55	5	15
R-1B	20	30	55	5	15
R-2	20	30	55	5	15
R-3	20	30	55	5	15

(b) In the case of single-family attached dwellings, the following minimum setbacks shall be required:

District	Minimum Setback	
	From Internal Drives and Streets	From Perimeter Property Boundaries
R-1A	20	50
R-1B	20	50
R-2	20	50
R-3	20	50

(c) In the case of single-family attached dwellings, the minimum distance between buildings shall comply with Appendix B.

(7) *Required street frontage.* Any cluster lot contained within a cluster lot development shall have frontage on and direct access to a public street which has been accepted for maintenance by the village. The extent of street frontage shall be determined by the village, in its discretion, taking into consideration topographic and/or other natural resource considerations, size and shape of the development site, and public safety factors.

(Ord. 239, passed 3-5-2001, § 5.2) Penalty, see § 151.999

#### § 151.067 OPEN SPACE PRESERVATION.

(A) (1) (a) Whenever the preservation of open space is required by this chapter, the applicant shall provide a demonstrated means that all open space portions of the development will be maintained in the manner approved.

(b) Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of the transfer is provided to the village and the land uses continue as approved in the open space community plan.

(2) The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the Village Attorney, such as:

(a) Recorded deed restrictions;

(b) Covenants that run perpetually with the land; and/or

(c) Conservation easements such as those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, being M.C.L.A. § 399.251, as amended.

(B) The conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The conveyance shall:

(1) Indicate the proposed allowable use(s) of the dedicated open space;

(2) Demonstrate to the satisfaction of the village that dedicated open space shall be maintained;

(3) Provide standards for scheduled maintenance of the open space; and

(4) Provide for maintenance to be undertaken by the village in the event that the dedicated open space is inadequately maintained, or is determined by the village to be a public nuisance, with the assessment of costs upon property owners within the proposed development.

(Ord. 239, passed 3-5-2001, § 5.3) Penalty, see § 151.999

#### § 151.068 ACCESSORY BUILDINGS AND USES.

(A) *General requirements.*

(1) No accessory building or structure shall be built upon a lot or parcel unless and until a principal structure is erected. A building or structure not attached to a principal building shall be considered a detached accessory building or structure.

(2) Accessory structures shall be subject to all applicable building code regulations. Land use permits shall be required for buildings greater than 36 square feet in area and/or greater than four feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

(3) In no instance shall an accessory structure be located within a dedicated easement or right-of-way.

(4) Detached accessory structures shall be erected only in a rear yard. If the lot is a corner lot, accessory structures shall remain behind all building lines adjacent to streets.

(B) *Accessory buildings in residential zoning districts*

(1) *Attached accessory buildings.*

(a) Where the accessory building is structurally attached to a main building, it shall conform to all setback and height regulations of this chapter and building codes applicable to main buildings.

(b) The sum total floor area of all accessory buildings and structures shall not exceed 50% of the total floor area of all stories of the principal building.

(2) *Detached accessory buildings.*

(a) Detached accessory structures shall be erected only in a rear yard. If the lot is a corner lot, accessory structures shall remain behind all building lines adjacent to streets.

(b) The sum total floor area of all accessory buildings and structures shall not exceed 25% of the total required and nonrequired rear yard area.

(c) Accessory buildings and structures shall be included in lot coverage limitations.

(d) The combined ground floor area of all detached accessory buildings shall not exceed 450 square feet plus 2% of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling.

(e) Accessory buildings and structures located in rear yards shall not be closer than 10 feet to any rear or side lot line. No detached accessory building or structure shall be constructed within 10 feet of any other building located on the same lot or parcel. No detached accessory building or structure shall exceed 15 feet in overall height.

(f) Detached accessory structures in all other districts may be constructed to equal the permitted maximum height of principal structures in said districts.

(g) If a detached accessory structure has side facing or is visible from a public or private street and is larger than 200 square feet, that side shall be constructed of like materials of the principal structure.

(h) When 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.

(C) *Private swimming pools.* Private swimming pools shall be subject to the following.

(1) No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way that has been granted for public utility use.

(2) Front yard and side yard setbacks shall comply with required setbacks specified for the zoning district wherein the pool is located. Rear yard setbacks shall be a minimum of 15 feet.

(3) All swimming pools shall be enclosed in accordance with applicable building codes.

(D) *Requirements for outdoor wood-, corn- or pellet-fired boilers or furnaces.* Outdoor wood-, corn- or pellet-fired boilers or furnaces shall be subject to the following.

(1) This section is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the village due to the air pollution and fire hazards of outdoor burning. However it does not apply to the following:

(a) Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(b) Burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

(c) Use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(2) An outdoor wood-, corn- or pellet-fired boiler may be installed and used in the village only in accordance with the following provisions:

(a) Shall not be used to burn any of the prohibited materials listed in Chapter 91, Fire Prevention and Protection.

(b) Shall be located at least 200 feet from the property line when located adjacent to a vacant parcel, or the same distance from an existing home on any abutting parcels.

(c) Shall have a chimney that extends to a height no less than the highest point of the roofs of the adjacent residences.

(d) Only boilers (a.k.a. furnaces) with manufacturer labels that indicate their intentions (design) for such a use shall be permitted within the village.

(e) All furnaces shall be located within the rear yard, and the base structure shall be fully screened using landscaping and/or fencing of comparable height to the structure.

(f) All stockpiles and/or pellet dispensers shall be fully screened at opacity of no less than 80%. The height of stockpiles shall not exceed 5 feet, which will ensure they are at least 1 foot lower

than the maximum fence height permitted within the residential districts in the village. Additionally, both stockpiles and dispensers shall be screened with a double-staggered row of evergreens, no less than 1 foot taller than the fuel storage area, to ensure adequate screening for adjacent property owners.

(E) *Requirements applicable to accessory buildings within all other districts.* Accessory buildings shall be subject to the same placement and height requirements to principal structures in the district in which located.

(Ord. 239, passed 3-5-2001, § 5.4; Am. Ord. 275, passed 12-20-2010, § 2; Am. Ord. 302, passed 4-20-2020) Penalty, see § 151.999

#### **§ 151.069 EMERGENCY TEMPORARY DWELLINGS.**

(A) *When permitted.* Emergency temporary dwellings may be permitted upon a finding by the village that the principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable and the standards set forth herein have been met.

(B) *Permit application and review.*

(1) An application for a permit for the emergency temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure.

(2) The application shall be reviewed by a committee composed of the Zoning Administrator and 2 elected Village Council members, other than the Zoning Administrator. Approval of the application may be granted by a majority vote of the committee upon a finding that all of the following conditions are met.

- (a) The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
  - (b) The temporary dwelling unit shall be connected to public sewer and water.
  - (c) The temporary dwelling unit shall comply with all applicable zoning district requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- (3) (a) The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to 1 year from the date of approval by the committee.
- (b) Any conditions of approval shall be specified in writing on the permit.

(4) To guarantee compliance with the provisions of the ordinance and removal of the emergency temporary dwelling upon expiration of the permit, the Village Council may require a cash bond to be posted prior to the issuance of a permit.

(Ord. 239, passed 3-5-2001, § 5.5) Penalty, see § 151.999

#### **§ 151.070 SINGLE-FAMILY DWELLINGS; MOBILE HOMES; PREFABRICATED HOUSING.**

(A) *Generally.* No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless the dwelling unit conforms to the following standards.

(B) *Square footage.* Each dwelling unit shall comply with the minimum square footage requirements of this chapter for the zone in which it is located.

(C) *Dimensions.* Each dwelling unit shall have a minimum width across any front, side, or rear elevation of 20 feet and shall comply in all respects with the building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where the standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event the federal or state standard or regulation shall apply.

(D) *Foundation.* Each dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.

(E) *Undercarriage.* Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

(F) *Sewage disposal or water supply.* Each dwelling unit shall be connected to public sewer and water.

(G) *Storage area.* Each dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever ever shall be less.

(H) *Architecture and compatibility.*

(1) The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator. The Zoning Administrator may also refer any determination of compatibility to the Planning Commission. Any determination of compatibility shall be based upon the character, design, and appearance of 1 or more residential dwellings located outside of mobile home parks within 500 feet of the subject dwelling. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.

(2) All homes shall have a roof overhang of not less than 6 inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than 2 exterior doors with the second one being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to the door areas where a difference in elevation requires the same. The foregoing shall not be construed to prohibit innovative design concepts involving the matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(I) *Additions.* Each dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

(J) *Code compliance.* Each dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to the mobile home shall be of a type and quality conforming to the *Mobile Home Construction and Safety Standards* as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. pt. 3280, and as from time to time the standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(K) *Building permit.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

(L) *Exceptions.* The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this chapter and pertaining to the parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the village unless located within a mobile home park or a mobile home subdivision district for the uses, or unless used as a temporary residence as otherwise provided in this chapter.

(Ord. 239, passed 3-5-2001, § 5.6) Penalty, see § 151.999

#### **§ 151.071 MOBILE HOME PARK REQUIREMENTS.**

(A) The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 - 125.2350, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code.

(B) In addition to the rules and standards of the State of Michigan, the Village of Manchester imposes the following conditions.

(1) Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 - 125.2350, as amended, and subsequently adopted rules and regulations governing mobile home parks.

(2) Mobile home parks shall not be permitted on parcels less than 10 acres in size.

(3) Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500 square foot minimum may be reduced by 20%, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.

(4) The on-site storage of boat trailers, boats, camping units, horse trailers, and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.

(5) (a) Mobile home parks shall be landscaped as follows.

1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
2. If the park abuts a nonresidential development, the park need not provide screening.
3. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

(b) The landscaping shall consist of evergreen trees or shrubs a minimum 3 feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

(6) Mobile home parks shall be subject to preliminary plan review requirements in accordance with Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 - 125.2350, as amended.

(7) A permit shall not be required for the construction or erection of canopies or awnings which are open on 3 sides. A building permit shall be required, however, before the construction of erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

(Ord. 239, passed 3-5-2001, § 5.7) Penalty, see § 151.999

#### **§ 151.072 DAY-CARE FACILITIES.**

(A) *Intent.* It is the intent of this section to establish standards for day-care facilities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.

(B) *Application of regulations.*

(1) A state licensed family day-care home shall be considered a residential use of property and a permitted use in all residential districts. Family day-care homes shall be prohibited in all other districts.

(2) The Village Council may, by issuance of a conditional use permit, authorize the establishment of group day-care homes and day-care centers as specified in district regulations and subject to the standards herein.

(C) *Standards for group day-care homes.* Group day-care homes shall be considered as conditional land use subject to the requirements and standards of § 151.022 and the following additional standards.

(1) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.

(2) The property is maintained in a manner that is consistent with the character of the neighborhood.

(3) There shall be an outdoor play area of at least 500 square feet provided on the premises. The play area shall not be located within the front yard setback. This requirement may be waived by the Planning Commission if a public play area is within 500 feet of the subject parcel.

(4) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least 4 feet in height, but no higher than 6 feet.

(5) The hours of operation do not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.

(6) One off-street parking space per employee not a member of the group day-care home family shall be provided.

(7) Appropriate licenses with the State of Michigan shall be maintained.

(D) *Standards for day-care centers.* Day-care centers shall be considered as a conditional land use subject to the requirements and standards of § 151.022 and the following standards.

(1) The day-care center shall be served by public sewer and water.

(2) A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

(3) Off-street parking shall be provided at a rate of 1 space per employee plus 1 space for every 5 children enrolled at the facility.

(4) There shall be an outdoor play area of at least 1,000 square feet provided on the premises the play area shall not be located within the front setback. This requirement may be waived by the Planning Commission if public play area is available 500 feet from the subject parcel.

(5) Appropriate licenses with the State of Michigan shall be maintained.

(Ord. 239, passed 3-5-2001, § 5.8) Penalty, see § 151.999

**§ 151.073 ADULT FOSTER CARE FACILITIES.**

(A) *Intent.* It is the intent of this section to establish standards for adult foster care facilities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.

(B) *Application of regulations.*

(1) A state licensed adult foster care small group home serving 6 persons or less and adult foster care family home shall be considered a residential use of property and a permitted use in all residential districts.

(2) The village may, by issuance of a conditional use permit, authorize the establishment of adult foster care small group homes serving more than 6 persons and adult foster care large group homes in the following zoning districts: R-1A, R-1B, R-2, and R-3. The facilities shall be prohibited in all other districts.

(3) The village may, by issuance of a conditional use permit, authorize the establishment of an adult foster care congregate facility in the following zoning districts: R-2 and R-3. The facilities shall be prohibited in all other districts.

(C) *Standards for adult foster care small group homes serving more than 6 persons and adult foster care large group homes.* These homes shall be considered as conditional land use subject to the requirements and standards of § 151.022 and the following additional standards.

(1) A site plan, prepared in accordance with § 151.023, shall be required to be submitted.

(2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or care givers.

(3) The property is maintained in a manner that is consistent with the character of the neighborhood.

(4) One off-street parking space per employee and/or caregiver shall be provided.

(5) In its sole discretion, the village may determine that landscape screening in accordance with § 151.101(D) is required.

(6) Appropriate licenses with the State of Michigan shall be maintained.

(D) *Standards for adult foster care congregate facilities.* These facilities shall be considered as a conditional land use subject to the requirements and standards of § 151.022 and the following standards.

(1) A site plan, prepared in accordance with § 151.023, shall be required to be submitted.

(2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or caregivers.

(3) Parking requirements as required for convalescent homes and similar facilities, set forth in § 151.165 *et seq.* shall be met.

(4) All landscape requirements set forth in § 151.101 shall be met.

(5) Appropriate licenses with the State of Michigan shall be maintained.

(Ord. 239, passed 3-5-2001, § 5.9) Penalty, see § 151.999

**§ 151.074 HOME OCCUPATIONS.**

(A) *Generally.* All home occupations shall be in single-family residences subject to the following requirements.

(B) *Requirements.*

(1) A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No more than 25% of the floor area of dwelling shall be devoted to a home occupation.

(2) A home occupation use shall not change the character of the residential nature of the premises, both in terms of use and appearance.

(3) A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from the home occupation.

(4) A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.

(5) No employees shall be permitted other than members of the immediate family resident in the dwelling unit.

(6) All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation.

(7) There shall be no vehicular traffic permitted for the home occupation, other than that which is normally generated for a single dwelling unit in a residential area, both as to volume and type of vehicles.

(Ord. 239, passed 3-5-2001, § 5.10) Penalty, see § 151.999

**§ 151.075 SEASONAL SALES.**

The sale of Christmas trees, pumpkins, firewood, and other seasonal items shall be considered temporary uses within any zoning district subject to the conditions contained herein. All sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. Adequate parking and ingress and egress to the premises shall be provided. Upon discontinuance of the seasonal use, any temporary structures shall be removed. Signs shall conform to the provisions of the district in which the seasonal use is located.

(Ord. 239, passed 3-5-2001, § 5.11) Penalty, see § 151.999

**§ 151.076 GARAGE SALES, RUMMAGE SALES, AND SIMILAR ACTIVITIES.**

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the conditions contained herein. Any garage sale, rummage sale, or similar activity shall be allowed without a permit for a period not to exceed 4 days within a 6-month period. All the sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. No signs advertising a garage sale or similar activity shall be placed upon public property. Signs shall not be placed more than



24 hours prior to the sale and must be removed upon completion of the sale.

(Ord. 239, passed 3-5-2001, § 5.12) Penalty, see § 151.999

#### **§ 151.077 ESSENTIAL SERVICES.**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the village. The construction of buildings associated with essential services shall be subject to the provisions of § 151.023. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this chapter.

(Ord. 239, passed 3-5-2001, § 5.13) Penalty, see § 151.999

#### **§ 151.078 SELF-STORAGE FACILITIES.**

(A) *Generally.* Self-storage facilities shall be subject to the following requirements and conditions.

(B) *Requirements and conditions.*

(1) No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial, or other business use on, or operated from, the facility shall be allowed.

(2) The storage of any toxic, explosive, corrosive, flammable, or hazardous materials is prohibited. Fuel tanks on any motor, vehicle, boat, lawn mower, or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.

(3) Other than the storage of recreational vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with § 151.101.

(4) Exterior walls of the ends of all storage units shall be of masonry or face-brick construction.

(5) All storage units must be accessible by paved circular drives clearly marked to distinguish traffic flow. A minimum 26-foot drives shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.

(Ord. 239, passed 3-5-2001, § 5.14) Penalty, see § 151.999

#### **§ 151.079 OUTDOOR SALES.**

Outdoor sales for new and used automobiles, boats, mobile homes, farm machinery, and other vehicles and manufactured products and similar uses shall be subject to the following provisions.

(A) There shall be no strings of flags, pennants, or bare light bulbs permitted.

(B) No vehicles or merchandise for sale shall be displayed within any required front yard setback.

(C) There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

(Ord. 239, passed 3-5-2001, § 5.15) Penalty, see § 151.999

#### **§ 151.080 GENERAL, BUILDING, AND LANDSCAPE CONTRACTOR'S OFFICES AND YARDS.**

(A) A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials, and equipment owned and operated by the principal use shall be permitted for storage.

(B) Storage shall not be located within the required front yard. The storage shall not be located in any required parking or loading space.

(C) Storage shall be screened from the view of public street, and adjacent properties zoned either residential, commercial, or office. Screening measures shall meet the requirements of § 151.101(D).

(D) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under § 151.023.

(Ord. 239, passed 3-5-2001, § 5.16) Penalty, see § 151.999

#### **§ 151.081 AUTOMOBILE SERVICE STATIONS.**

(A) *Generally.* Automobile service stations and washes shall be subject to the following standards.

(B) *Standards.*

(1) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts, or traffic islands.

(2) All activities related to vehicle washing, service, and repair equipment shall be entirely enclosed within a building.

(3) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.

(4) Inoperative or unlicensed vehicles shall not be stored outside for more than 7 days. The storage shall not occur in front of the building front line.

(5) Vehicle sales shall not be permitted on the premises of any automobile service station or wash.

(Ord. 239, passed 3-5-2001, § 5.17) Penalty, see § 151.999

#### **§ 151.082 OUTDOOR DISPLAYS OF PRODUCTS OR MATERIALS INTENDED FOR RETAIL SALE OR RENTAL.**

(A) *General standards.*

(1) An outdoor display shall be considered as an accessory to the principal business use conducted on the premises.

(2) The exterior of the premises shall be kept clean, orderly, and maintained.

(3) The village shall not be held liable or responsible for any type of damage, theft, or personal injury which may occur as a result of an outdoor display.

(4) In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and recommended where site conditions may create difficulty in adherence to the standards contained herein.

(B) *Standards within CBD Districts.*

(1) An outdoor display may be located in front of or adjacent to the establishment. An outdoor display that extends beyond the property lines of the applicant shall require the permission of the affected property owners.

(2) If an outdoor display is located on a public sidewalk, a minimum of 5 feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.

(C) *Standards within C-2 Districts.*

(1) An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.

(2) An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this chapter.

(D) *Transient and seasonal sales.*

(1) Transient or seasonal sales may be located within any required yard but shall not be located within any public road right-of-way.

(2) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this chapter.

(Ord. 239, passed 3-5-2001, § 5.18) Penalty, see § 151.999

#### **§ 151.083 SIDEWALK CAFÉ SERVICE.**

(A) *Generally.* A sidewalk café service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the CBD Central Business District, subject to the following conditions.

(B) *Conditions.*

(1) (a) An application depicting the location and a site layout of the café facility shall be submitted to the Zoning Administrator.

(b) Each permit application for a sidewalk café shall be accompanied by a policy or certificate of insurance, in an amount acceptable to the village, including worker's compensation, naming the village as additionally insured. Establishments serving alcohol shall also provide a liquor liability policy or certificate of insurance naming the village as additionally insured.

(c) Each permit shall be effective 8 months from April 1 to December 1 and must be renewed annually through administrative review. The annual permit fee for establishing and maintaining a sidewalk café shall be established by Village Council resolution.

- (2) A sidewalk café shall be allowed only during the 8 month period beginning April 1. All sidewalk café furniture is to be removed by December 1 each year.
- (3) A sidewalk café may be located in front of the establishment.
- (4) If a sidewalk café is located on a public sidewalk, a minimum of 5 feet of unobstructed, pedestrian access along the sidewalk shall be maintained.
- (5) A sidewalk café shall be allowed only during normal operating hours of the establishment.
- (6) The exterior of the premises shall be kept clean, orderly and maintained.
- (7) The permittee shall be responsible for repair of any damage to the sidewalk caused by the sidewalk café furniture. No permanent attachments to the sidewalk are permitted.
- (8) All sidewalk café furniture is to be maintained in a manner that is compatible with the building's site elements (i.e. signs, awnings and walls). No broken, peeling, rusting or other aesthetic elements should be left outdoors for continued use.
- (9) The village shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of a sidewalk café operation.
- (10) All sidewalk cafes shall comply with applicable regulations of the County Health Department, the State Liquor Control Commission and any other applicable county, state or federal regulation.
- (11) The Village of Manchester reserves the right to deny, revoke or suspend a sidewalk café permit if the permittee has failed to correct violations of the sidewalk café permit within the time specified on the violation notice. If the village denies, revokes or suspends the permit the village will notify the permittee in writing. The decision to deny, revoke or suspend a permit may be appealed to the Village Council. Variances from the sidewalk café standards must be appealed before the Zoning Board of Appeals.

(Ord. 239, passed 3-5-2001, § 5.19; Am. Ord. 288, passed 12-16-2013) Penalty, see §151.999

#### § 151.084 BED AND BREAKFAST ACCOMMODATIONS.

- (A) Each premises must be occupied and operated by its owner.
- (B) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
- (C) No bed and breakfast sleeping room shall be permitted that does not comply with the construction code.
- (D) There shall be no separate cooking facilities used for bed and breakfast stay.
- (E) The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any 1 calendar year.
- (F) The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast which list shall be available for inspection by the Zoning Administrator.
- (G) One bathroom for every 3 sleeping rooms shall be provided, with a minimum of 2 bathrooms.
- (H) One parking space shall be provided off-street in the side or rear yard area for each bed and breakfast bedroom.

(Ord. 239, passed 3-5-2001, § 5.20)

#### § 151.085 MINERAL MINING AND EXTRACTIVE OPERATIONS.

- (A) *Intent and purpose.* It is the intent and purpose of this section to promote the underlying spirit and intent of the entire zoning code, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to ensure that mineral mining activities are consistent with the public health, safety, and welfare of the village.
- (B) *Use restriction.* Mineral mining and extractive operations may be considered as a conditional use in the I-2 District. The extraction, removal, and/or processing of sand, gravel, stone, and/or other mineral mining in the village shall be prohibited unless first authorized by the grant of a conditional approval use application by the village in accordance with this section and § 151.022.
- (C) *Exemption.* Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this section.
- (D) *Application.* An application shall be filed with the Zoning Administrator and shall include the following:
  - (1) Site plan prepared in accordance with § 151.023;
  - (2) Vertical aerial photograph, enlarged to a scale of 1 inch equals 200 feet, from original photograph flown at a negative scale no smaller than 1 inch equals 660 feet. The date of the aerial photograph shall be certified, and shall have been flown at the time as the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:
    - (a) All land anticipated to be mined in the application, together with adjoining land owned by the applicant;
    - (b) All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous (land) in which the applicant or any affiliate has a current interest;
    - (c) All lands within 1/2 mile of the proposed mining area;
    - (d) All private and public roads from which access to the property may be immediately gained;
    - (e) Boundary of the entire planned mining area by courses and distance;
    - (f) Site topography and natural features including location of water courses within the planned mining area; and
    - (g) Means of vehicular access to the proposed operation.
  - (3) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;
  - (4) Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, and the like, and density of individual units in areas shown, including:
    - (a) Property within a radius of 1 mile around the site; and
    - (b) The property fronting on all vehicular routes within the village contemplated to be utilized by trucks which will enter and leave the site.
  - (5) Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
    - (a) All anticipated impact to the qualitative and quantitative aspects of surface water, ground water, and drainage during and subsequent to the operation to the geographical extent reasonably expected to be affected; and
    - (b) Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public.
  - (6) Description of the vehicles, machinery, and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels.
- (E) *Review procedure.*
  - (1) The Zoning Administrator shall forward the original of the application to the Village Clerk for the file, and forward the copies to the members of the Planning Commission, the Village Engineer, the Village Planner, and to the Road Commission.
  - (2) The Village Engineer and the Village Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.
  - (3) The Zoning Administrator shall request a report from the Road Commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety, and welfare for areas located outside of the village.
  - (4) After receiving all reports, including any additional reports of experts recommended by the Village Engineer and/or Planner, if deemed appropriate the Planning Commission shall consider the application in accordance with the procedures set forth in § 151.022.
  - (5)
    - (a) Reasonable conditions may be required with the approval of the application for the conditional land use, to ensure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
    - (b) Conditions imposed shall be reasonable and shall be in compliance with applicable law.
- (F) *Requirements and standards.* The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the Planning Commission, and if the application is approved, the standards and requirements shall be maintained as a condition to continued operation and use by the applicant.
  - (1) Demonstration by the applicant that the proposed land use shall not result in a probable impairment to, pollution of, unreasonable impact upon, and/or destruction of the following:
    - (a) The water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation;
    - (b) The course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation; and
    - (c) The surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving

the operation in terms of aesthetics.

- (2) The proposed land use shall not be incompatible with the surrounding uses, based upon an application of generally accepted planning standards and principles.
- (3) The proposed land use shall not unreasonably burden the capacity of public services and facilities.
- (4) The proposed land use shall have immediate and direct access to a paved road having a planned right-of-way not less than 120 feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
- (5) All activities conducted in connection with the operation shall occur at least 160 feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least 200 feet from the nearest property line.
- (6) The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted.
- (7) The maximum duration of the proposed use, if conducted in or immediately adjacent to a residential zoning district, shall be 10 years.
- (8) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels.
- (9) The total area being mined which has not been reclaimed shall at no time exceed 40% of the entire parcel.
- (10) The proposed transportation route or routes within the village shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the village at the time of application, and thereafter.

(G) *Reclamation.* Reclamation of the site shall be in accordance with a reclamation plan approved by the village as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of 1 foot vertical to 5 feet horizontal, and, for permanent water areas, for a distance of not less than 10 feet nor more than 50 feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of 1 foot vertical to 7 feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment, and improvements shall be removed from the site. The Village Council shall have the right to impose performance bonds or letters of credit to ensure that the reclamation and restoration plans as submitted are implemented.

(Ord. 239, passed 3-5-2001, § 5.21) Penalty, see § 151.999

#### **§ 151.086 BUILDINGS TO BE MOVED.**

(A) No permit shall be granted for the moving of buildings or structures from without or within the limits of the village to be placed on property within the limits unless the Building Official shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the building code and other codes regulating public health, safety, and general welfare. A performance bond as established by the Village Council of sufficient amount to insure the cost of completing the building for occupancy within a period of not less than 6 months from date of permit shall be furnished before permit is issued.

(B) Any building moved within a district and placed upon a foundation or any building moved into a district shall be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.

(Ord. 239, passed 3-5-2001, § 5.22)

#### **§ 151.087 WIRELESS COMMUNICATION FACILITIES.**

##### *(A) Purpose and intent.*

(1) It is the general purpose and intent of the village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the village to provide for the authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

(2) Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- (a) Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings;
- (b) Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions;
- (c) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones;
- (d) Minimize the adverse impacts of technological obsolescence of the facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner; and
- (e) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas, and public rights-of-way.

##### *(B) Authorization.*

(1) Subject to the standards and conditions set forth in division (C) below, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts.

(a) *Circumstances creating permitted use treatment.* In all zoning districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances:

1. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance;
2. A proposed collocation upon an attached wireless communication facility which had been pre-approved for the collocation as part of an earlier approval by the village; and/or
3. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

(b) *Permitted use districts.* Wireless communication facilities shall be a permitted use in the I-2 Industrial District.

(2) If it is demonstrated by an applicant that a wireless communication facility is required to be established outside of a district identified in division (B)(1) above, in order to operate, the wireless communication facilities may be permitted elsewhere in the community as a conditional land use, subject to the requirements and standards of § 151.022 and the following.

(a) At the time of the submittal, the applicant shall demonstrate that a location within the areas identified in division (B)(1) above cannot reasonably meet the coverage and/or capacity needs of the applicant.

(b) Locations outside of the districts identified in division (B)(1) above shall be permitted on the following sites, subject to application of all other standards contained in this section:

1. Municipally owned site;
2. Other governmentally owned site;
3. Religious or other institutional site;
4. Public park and other large permanent open space areas when compatible;
5. Public or private school site;
6. Other locations if none of the above is available; and
7. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or a form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the village.

(3) All other criteria and standards set forth in § 151.085(C) and (D) are met.

##### *(C) General regulations.*

(1) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed, constructed, and maintained in accordance with the following standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the village in its discretion.

- (a) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- (b) Facilities shall be located and designed to be harmonious with the surrounding areas.
- (c) Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- (d) The following additional standards shall be met.

1. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

2. The accessory building contemplated to enclose switching equipment shall be limited to the maximum height for accessory structures within the respective district.

3. The setback of the support structure from any residential district shall be no less than the height of the structure. The setback of the support structure from any existing or proposed rights-

of-way or other publicly traveled roads shall be no less than the height of the structure.

4. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.

5. There shall be an unobstructed paved access drive to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of 14 feet in width.

6. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

7. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

8. The village shall review and approve the color of the support structure and all accessory buildings, so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

9. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

10. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. The plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.

(2) *Standards and conditions applicable to conditional land use facilities.* Applications for wireless communication facilities which may be approved as conditional land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in division (C)(1) above and in accordance with the following standards.

(a) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of 1 or more of the following factors:

1. Proximity to a major thoroughfare;
2. Areas of population concentration;
3. Concentration of commercial, industrial, and/or other business centers;
4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions;
5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate; and/or
6. Other specifically identified reason creating facility need.

(b) The proposal shall be reviewed in conformity with the collocation requirements of this section.

(D) *Application requirements.*

(1) A site plan prepared in accordance with § 151.023;

(2) The site plan shall also include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities;

(3) The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities;

(4) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in division (F) below. In this regard, the security shall, at the election of the applicant, be in the form of:

- (a) Cash;
- (b) Surety bond;
- (c) Letter of credit; or

(d) An agreement in a form approved by the Village Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the village in securing removal.

(5) The application shall include a map showing existing and known proposed wireless communication facilities within the village, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the village in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with M.C.L.A. § 15.243. This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the village; and

(6) The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

(E) *Collocation.*

(1) *Statement of policy.* It is the policy of the village to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures.

(2) *Feasibility of collocation.* Collocation shall be deemed to be feasible for purposes of this section where all of the following are met.

- (a) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- (b) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

(c) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

(d) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the village, taking into consideration the standards set forth in this section.

(3) *Requirements for collocation.*

(a) Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

(b) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

(c) If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, the facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.

(F) *Removal.*

(1) The village reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.

(2) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of 1 or more of the following events:

(a) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse; and/or

(b) Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.

(3) The situations in which removal of a facility is required, as set forth in division (F)(2) above, may be applied and limited to portions of a facility.

(4) Upon the occurrence of 1 or more of the events requiring removal, specified in division (F)(2) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

(5) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30-days' written notice, the village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

(Ord. 239, passed 3-5-2001, § 5.23) Penalty, see § 151.999

**§ 151.088 WIND ENERGY CONVERSION SYSTEMS (WECS).**

(A) *Intent.* The intent of this section is to promote the effective and efficient use of wind energy conversion systems (WECS) with minimum regulations on the siting, design and installation of conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

(B) *Approval required.*

(1) (a) Except where noted in this section, it shall be unlawful to construct, erect, install, alter, locate, or use any WECS project within Manchester Village unless a conditional use permit has been obtained pursuant to this section.

(b) Application for conditional use permit required by this section shall be made on forms provided by Manchester Village and shall contain the following, in addition to § 151.022 (Conditional land uses):

1. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;
2. Methods to screen the base of the WECS pole and/or other ground apparatus; and
3. A permit fee for each WECS as set by Village Council must accompany the application.

(2) Roof mounted WECS are prohibited.

(C) *Exemption from conditional use permit.*

(1) Private freestanding WECS not exceeding 40 feet may be permitted with administrative approval. An application shall be submitted to Zoning Administrator for approval.

(2) Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this section. Agricultural WECS projects shall conform to the regulations of the zoning district, including maximum height and minimum setback standards.

(D) *General standards.* The following standards shall apply to all private and commercial wind energy conversion systems in Manchester Village:

(1) *Design safety certification.* The safety of the design of all WECS towers shall be certified by a professional engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.

(2) *Controls and brakes.*

(a) All private projects shall be equipped with manual and automatic controls to give protection to power grids and to limit rotation of blades to a speed below the designed limits of the WECS. The professional engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards.

(b) No changes or alterations from certified design standards shall be permitted unless accompanied by a professional engineer's statement of certification.

(3) *Electrical components.* All electrical compartments, storage facilities, wire conduit, and interconnections with utility companies must conform to national and local electrical codes.

(4) *Compliance with laws.* Projects shall be in compliance with all Manchester Village zoning ordinance requirements, applicable ordinances, statutes, rules, and laws.

(5) *Setbacks.* All projects must be setback from property lines at a distance equal to or greater than 150% of the WECS height. No part of the wind system structure, including guy wire anchors, may extend within the required setbacks.

(6) Height is measured by the height above grade of the wind energy tower, including the wind turbine or blades at their maximum height. Maximum height of private WECS shall be 70 feet. Commercial WECS projects shall be exempt from the height requirements of this chapter, subject to the provisions of § 151.022 (Conditional uses), and compliance with FAA regulations.

(7) *Installation certification.* The professional engineer shall certify that the construction and installation of the project meets or exceeds the manufacturer's construction and installation standards.

(8) *Climb prevention.* All project towers, guy wires, and or poles must be un-climbable by design or protected by anti-climbing devices such as:

(a) Fences with locking portals at least 6 feet high;

(b) Anti-climbing devices 12 feet from base of pole; or

(c) Anchor points for guy wires supporting tower shall be enclosed by a 6-foot high fence or shall be located within the confines of a yard that is completely fenced.

(9) *Interference.* It shall be the responsibility of the person in charge of the WECS to submit acceptable documentation as part of the conditional use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception.

(10) *Fire risk.* All private projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.

(11) *Waste.* All solid wastes, whether generated from supplies, equipment parts, packaging, operation, or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

(12) *Noise levels.* The noise level measured at the property line of the property on which the project has been installed shall not exceed 55 decibels.

(13) *Liability insurance.* The owner or operator of the project shall maintain a current insurance policy with a bond rating acceptable to the Village to cover installation and operation of the project and provide proof to the village. The amount of the policy shall be established as a condition of conditional use permit approval. For a private WECS project accessory to a principal residence, proof of homeowner's insurance with specific coverage of at least \$1,000,000 general liability for the WECS shall satisfy this requirement.

(14) *Performance guarantee required.* In the interest of insuring compliance with these provisions the applicant shall deposit a performance guarantee for a conditional use as set forth in § 151.026.

(E) *Additional standards for private wind energy systems.*

(1) *Utility notification.* No project shall be installed until written evidence has been provided to the village that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(2) *Signage and color.* No project shall display visible signage, such as advertisements, on its face and should be painted a neutral grey, white or light blue. Other neutral colors may be approved by the Zoning Administrator.

(3) *Shadow flicker.* At the discretion of the Zoning Administrator the applicant shall submit a copy of a shadow flicker analysis at the property line to identify the locations of shadow flicker that may be caused by the project and it shall also identify problem areas where shadow flicker may affect adjacent parcels and show measures that shall be taken to eliminate or mitigate the problems.

(4) *Guy wire safety.* If the system is supported by guy wires, the wires shall be visible to a height of a least 6 feet above the guy wire anchors.

(5) *Lightening protection.* All towers shall have lightning protection.

(6) *Lighting.* Artificial lighting shall be at the discretion of the Zoning Administrator. Artificial lighting shall be discouraged unless required by the Federal Aviation Administration.

(7) *Abandonment and removal.* In the event a project which has been granted a conditional use permit or administrative approval is abandoned or unused for a period of 180 days, the owner of the system or land shall promptly remove system and all related equipment. Failure to remove the system and related equipment in accordance with the foregoing shall subject the system and land owners to fines established by the Village Council. In addition, by accepting a conditional use permit for the system the applicant and the land owner agree that in the event the tower and equipment is not removed as required, after 30 days' notice from the village, the village shall undertake such removal and bill the costs to the applicant and the land owner plus administrative fees of 15% which, if not paid within 30 days shall be assessed against the land on which the system and related equipment is located and collected in the same manner as delinquent taxes. In addition, the village can pursue any other relief to which it is entitled to by law.

(F) *Additional standards for commercial WECS projects.* The following additional standards shall apply to all commercial wind energy conversion systems in Manchester Village:

(1) *Color.* Towers and blades shall be painted any neutral color that is acceptable to Manchester Village or otherwise required by law.

(2) *Compliance with FAA.* It shall be the responsibility of the person in charge of the project to complete the proper FAA applications and obtain the proper permits for the project. It shall also be the responsibility of the person in charge of the project to obtain a determination of no significant impact to air navigation from the FAA.

(3) *Warning.* A visible warning sign of "High Voltage" may be required to be placed at the base of all projects. The sign must have at a minimum six-inch letters with 3/4-inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.

(4) *Annual inspection.* Every project must be inspected annually by an authorized factory representative or professional engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Manchester Village and considered a part of the continuing conditional use permit.

(5) *Compliance with additional regulations.* It shall be the responsibility of the person in charge of the project to contact the FCC and FAA regarding additional permits necessary or any other applicable federal or state regulations for the installation, prior to the Manchester Village granting a conditional use permit.

(6) *Migratory birds.* The village may require an avian study conducted to determine any potential impacts the project may present to migratory birds. The study as part of the conditional use permit must provide assurances that the project does not negatively affect the path of migratory birds.

(7) *Decommissioning plan and escrow.*

(a) The project must contain a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Facility abandonment shall mean out of production for a period of time not less than 1 year.

(b) Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of 4 feet, restoration of the soil, and restoration of vegetation within 6 months of the end of project life or facility abandonment.

(c) The decommissioning plan shall state how the facility will be decommissioned, the professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the village that:

1. The financial resources for decommissioning shall be in the form of a surety bond, irrevocable bank letter of credit, or a cash surety that shall be deposited in an escrow account with an escrow agent acceptable to Manchester Village.
2. The village shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 6 months of the end of project life or facility abandonment.
3. The village is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
4. The village is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the village's right to seek reimbursement from applicant or applicant's successor in interest for decommissioning costs in excess of the amount of the surety and to file a lien against any real estate owned by applicant or applicant's successor or in which they have an interest for the amount of the excess, and to take all steps allowed by law to enforce said lien. Applicant shall consent to lien rights of the village to recover excess costs as part of conditional use approval for the WECS.

(Ord. 279, passed 9-19-2011)

#### **§ 151.089 MEDICAL MARIJUANA HOME OCCUPATION.**

(A) *Generally.* The possession, use, and cultivation of medical marijuana by a caregiver shall only be permitted in the Village of Manchester if such possession, use, and cultivation is in accordance with the Act and the requirements of this section. All other use, possession, and cultivation is prohibited.

(B) *Home occupation permit required.* The cultivation of medical marijuana within the Village of Manchester requires a medical marijuana home occupation permit under this section. The medical marijuana home occupation permit may be applied for in R-1A, R-1B, R-2, and R-3 Districts subject to the standards set forth in § 151.074 (Home occupations) and this section.

(C) *Requirements.* The following requirements apply to medical marijuana home occupations:

- (1) *Patient limitation.* No more than 2 qualifying patients shall be on the premises at any 1 time where a valid medical marijuana home occupation permit has been secured.
- (2) *Exterior alterations.* Home occupations shall not require exterior alterations or involve construction features not customary in dwellings, or require the use of mechanical or electrical equipment which creates a nuisance to the adjacent neighborhood.
- (3) *Interior alterations.* Any permanent structural alterations to the interior of the dwelling unit for purposes of conducting the home occupation which would render it unsuitable for residential use shall be prohibited.
- (4) *Outdoor storage.* There shall be no outdoor storage of items supportive of the home occupation.
- (5) Not more than 5 qualifying patients shall be assisted with the medical use of marijuana within any given calendar week.
- (6) All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver, as reviewed and approved by the Village Police Department.
- (7) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
- (8) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- (9) That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Manchester Area Fire Department to insure compliance with the Michigan Fire Protection Code.
- (10) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health adopted pursuant to the Act as they may be amended from time to time.
- (11) A parcel of land for which a permit is issued under this section must be located outside of a 1,000-foot radius from any school, including child care or day care facility, to insure community compliance with federal "Drug-Free School Zone" requirements.
- (12) A parcel of land for which a permit is issued under this section must be located outside of a 1,000-foot radius from any other registered primary caregiver.
- (13) Not more than 1 primary caregiver shall be permitted to service qualifying patients on a parcel.
- (14) Permits are non-transferable and shall only apply to the person listed on the permit.
- (15) Permits shall be valid for a period of 1 year, and may be renewed if the home occupation is in compliance with the Act, the General Rules adopted pursuant to the Act, and the provisions of this chapter.

(D) *Rights acquired.* A registered primary caregiver who is in compliance with the Act, the General Rules adopted pursuant to the Act, and the requirements of this chapter, may obtain a medical marijuana home occupation permit under this chapter. Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with that Act and the General Rules. Also, since federal law is not affected by that Act or the General Rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The Michigan Medical Marijuana Act does not protect users, caregivers, or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

(Ord. 282, passed 2-6-2012)

#### **§ 151.090 TEMPORARY PORTABLE STORAGE CONTAINERS.**

(A) Temporary portable storage containers may be permitted in all zoning districts subject to the following regulations:

- (1) A portable storage container shall be permitted subject to the validation of an active building permit.
- (2) In agricultural and residential zoning districts, no more than one temporary portable storage container may be permitted on a property at one time. In commercial and industrial zoning districts, no more than two temporary portable storage containers may be permitted on a property at one time.
- (3) A portable storage container shall not be utilized for or contain habitable space.
- (4) Temporary portable storage containers may not be located in an area that would interfere with vehicular or pedestrian circulation or cause reduced visibility at street intersections.
- (5) A temporary portable storage container may be utilized as a detached accessory structure incidental to a principal structure, subject to the following additional standards:
  - (a) A temporary portable storage container shall be located within the rear yard and shall be set back at least ten feet from side and rear property lines and at least ten feet from the principal structure.
  - (b) An individual temporary portable storage container shall not exceed 200 square feet in area and 8.5 feet in height.
  - (c) The exterior appearance of all temporary portable storage containers shall be maintained and absent of all rust, holes, and any other evidence of aging or wear.
  - (d) A temporary portable storage container may be placed on a paved or gravel off-street surface in the front yard. In all cases, temporary portable storage containers shall be set back at least 20 feet from the front property line and ten feet from the side or rear property line.
  - (e) The use of not more than one temporary portable storage container is permitted for not more than 60 continuous or separate days. One time extension shall be permitted beyond the initial 60 days contingent on Village Council approval.
  - (f) A temporary portable storage container may be placed on a property with an active building permit and must be removed no later than 12 days after the issuance of a certificate of occupancy or the completion of construction.

(B) The Zoning Administrator may authorize time to utilize temporary portable storage containers based upon reasonable storage needs and construction needs upon the written request of the applicant, but in no case shall the Zoning Administrator allow such storage containers on properties without active building permits for greater than four months.

(Ord. 300, passed 8-5-2019) Penalty, see §151.999

### **ENVIRONMENTAL PROTECTION AND DESIGN PROVISIONS**

#### **§ 151.100 PURPOSE.**

- (A) Environmental standards are established in order to preserve the short- and long-term environmental health, safety, and quality of the village.
- (B) No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises.
- (C) Any use permitted by this chapter may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as

established by the following performance standards.

(D) No use, otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation.

(E) These standards are established as minimum requirements to be maintained.

(Ord. 239, passed 3-5-2001, § 6.1) Penalty, see § 151.999

#### § 151.101 LANDSCAPING; GREENBELTS AND BUFFERS; SCREENING.

(A) *Intent.* The intent of this section is to:

- (1) Protect and preserve the appearance, character, and value of the community;
- (2) Minimize noise, air, and visual pollution;
- (3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas;
- (4) Require buffering of residential areas from more intense land uses and public road rights-of-way;
- (5) Prevent soil erosion and soil depletion and promote sub-surface water retention;
- (6) Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design; and
- (7) Encourage the integration of existing woodlands in landscape plans.

(B) *Application of requirements.*

- (1) These requirements shall apply to all uses for which site plan review is required under § 151.023 and subdivision plat review as required under the Subdivision Control Ordinance.
  - (2) No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.
- (C) *Landscape plan requirements.* A separate detailed landscape plan shall be required to be submitted to the village as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type, and descriptions for each plant type;
- (2) Typical straight cross section, including slope, height, and width of berms;
- (3) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades;
- (4) Details, in either text or drawing form, to ensure proper installation and establishment of proposed plant materials;
- (5) Identification of existing trees and vegetative cover to be preserved;
- (6) Identification of grass and other ground cover and method of planting; and
- (7) Identification of landscape maintenance program, including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this chapter.

(D) *Screening between land uses.*

(1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least 6 feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer shall consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least 80%. Opacity shall be measured by observation of any 2 square yard area of landscape screen between 1 foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard, based upon reasonably anticipated growth over a period of 3 years.

(2) (a) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the village. The wall or fence shall be a minimum of 6 feet in height, as measured on the side of the proposed wall having the higher grade.

(b) A required wall shall be located on the lot line, except where underground utilities interfere and except in instances where this chapter requires conformity with front yard setback requirements. Upon review of the landscape plan, the village may approve an alternate location of a wall.

1. The village and the Building Official shall approve the construction materials of the wall or fence, which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone, or wood.

2. In addition, a minimum of 1 deciduous tree and 6 shrubs meeting the minimum size requirements provided herein shall be planted adjacent to, and for each 30 lineal feet of wall or fence.

(E) *Parking lot landscaping.*

- (1) *Required landscaping within parking lots.* Separate landscape areas shall be provided within parking lots in accordance with the following requirements.
    - (a) There shall be a minimum of 1 canopy/deciduous tree for every 8 parking spaces, provided that a landscape island shall be provided for no more than 16 continuous spaces.
    - (b) Landscaping shall be arranged in curbed islands within the parking lot and shall not be less than 8 feet wide.
    - (c) A minimum distance of 3 feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of 5 feet from the backside of the curb and the proposed landscape plantings shall be provided.
    - (d) The village, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.
  - (2) *Required landscaping at the perimeter of parking lots.* Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements.
    - (a) Parking lots considered to be a conflicting land use, as defined by this section, shall meet the screening requirements set forth in division (D) above.
    - (b) Parking lots visible from a public road shall be screened from view with a landscaped berm, varied in height from between 2 to 3 feet along the perimeter of those sides that are visible. The berm shall be planted with a minimum of 1 deciduous or evergreen tree and 5 deciduous or evergreen shrubs, meeting the minimum size requirements set forth in this section for every 30 lineal feet, or major portion thereof. The Planning Commission, at its discretion, may approve alternative landscape plantings, such as a solid hedge or a solid wall in lieu of a landscape berm.
- (F) *Greenbelts.* A landscaped greenbelt, equivalent in depth to the front yard setback, is required in accordance with the requirements of this section. The greenbelt shall be located adjacent to the road right-of-way.

(1) The greenbelt shall be landscaped with a minimum of 1 deciduous or evergreen tree plus 6 deciduous and/or evergreen shrubs for every 30 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Deciduous trees within a greenbelt shall be a minimum caliper of 2½ inches or greater. Evergreen trees within a greenbelt shall be a minimum height of 6 feet.

(2) If ornamental deciduous trees are substituted for either deciduous trees or evergreen trees, they shall be provided at a minimum of 1 tree for every 20 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of 2 inches or greater.

(3) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and other natural landscape materials.

(4) Access drives from public rights-of-way through required greenbelts shall be permitted, but the drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

(G) *Site landscaping.* In addition to any landscape greenbelt and/or parking lot landscaping required by this section, 10% of the site area, excluding existing public rights-of-way, shall be landscaped. The site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.

(H) *Subdivision and site condominium landscaping.* Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements.

(1) *Street trees.* The frontage of all internal public or private streets shall be landscaped with a minimum of 1 tree for every 50 lineal feet, or fraction thereof. The street trees shall meet the minimum size and spacing requirements set forth in division (K) below.

(2) *Screening between land uses.* Where a subdivision or site condominium contains uses defined as conflicting land uses by this section, the screening requirements set forth in division (D) above shall be met.

(3) *Screening from public roads.* Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in division (D) above shall be met.

(4) *Other site improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement that would be enhanced through the addition of landscaping.

(I) *Screening of trash containers.*

(1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than 6 feet in height, and shall be constructed of material compatible with the architectural materials used in the site development.

(2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.

- (3) Containers and enclosures shall be located away from public view insofar as possible.
- (4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of 6 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
- (6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
- (7) Screening and gates shall be of a durable construction.
- (J) *Landscape elements.* The following minimum standards shall apply.

(1) *Quality.* Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Washtenaw County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.

(2) *Composition.* A mixture of plant material, such as evergreen and deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended, rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

(3) *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.

(4) *Existing trees.* The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply.

(a) Paving, or other site improvements, shall not encroach upon the dripline of the existing tree(s) to be preserved.

(b) If existing plant material is labeled "To Remain" on site plans by the applicant or required by the village, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used, provided the techniques are approved by the village.

(c) In the event that healthy trees used to meet the minimum requirements of this chapter or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the village, the contractor shall replace them with trees that meet chapter requirements.

(5) *Installation, maintenance, and completion.*

(a) All landscaping required by this chapter shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee, as set forth in § 151.026, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

(b) All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.

(c) The owner of property required to be landscaped by this chapter shall maintain the landscaping in a strong and healthy condition, free from refuse, debris, and insects. All materials used to satisfy the requirements of this chapter, which become unhealthy or dead, shall be replaced within 1 year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

(K) *Minimum size and spacing requirements.* Where landscaping is required, the following schedule sets forth minimum size and spacing requirements for representative landscape materials.

Trees	Minimum Size Allowable (Height/Caliper)						Recommended On-Center Spacing (In Feet)
	Minimum Size Allowable (Height/Caliper)						
<i>Evergreen Trees:</i>							
Fir	4						4
Spruce	4						4
Pine	4						4
<i>Evergreen Trees:</i>							
Hemlock	4						4
Douglas Fir	4						4
<i>Narrow Evergreen Trees:</i>							
Red Cedar		4					4
Arborvitae		4					4
Juniper (selected varieties)		4					4
<i>Large Deciduous Trees:</i>							
Oak			4	4			
Maple			4	4			
Beech			4	4			
Linden			4	4			
Ginko (male only)			4	4			
Honeylocust (seedless, thornless)			4	4			
Birch			4	4			
Sycamore			4	4			
<i>Small Deciduous Trees (ornamental):</i>							
Flowering Dogwood		4					4
Flowering Dogwood (disease resistant)		4					
Flowering Cherry, Plum, Pear		4			4		
<i>Small Deciduous Trees (ornamental):</i>							
Hawthorn		4					4
Redbud		4			4		
Magnolia		4					4
Flowering Crabapple		4					4
Mountain Ash		4					4
Hornbeam		4			4		
Shrubs	Minimum Size Allowable (Height/Spread)						Recommended On-Center Spacing (In Feet)
Shrubs	Minimum Size Allowable (Height/Spread)						
<i>Large Evergreen Shrubs:</i>							
Pyramidal Yew		4		4			
Hicks Yew			4				4
Spreading Yew		4				4	
Alberta Spruce		4					4
Chinensis Juniper varieties		4			4		
Sabina Juniper			4			4	
Mugho Pine			4		4		
<i>Small Evergreen Shrubs:</i>							
Brown's Ward's Seblon Yews			4				
Horizontal Juniper varieties			4		4		



Small Evergreen Shrubs:									
Boxwood				4					4
Euonymous Spreading varieties				4				4	
Large Deciduous Shrubs:									
Lilac			4		4				
Privet			4			4			
Sumac			4			4			
Buckthorn/Tallhedge		4						4	
Pyracantha			4					4	
Weigela		4							4
Flowering Quince			4			4			
Cotoneaster (Peking and Spreading)			4					4	
Dogwood (Red Osier and Grey)			4			4			
Euonymous (Burning Bush)			4			4		*	
Viburnum varieties			4			4			
Small Deciduous Shrubs:									
Barberry				4				4	
Dwarf Winged Euonymus				4				4	
Small Deciduous Shrubs:									
Spirea				4					4
Fragrant Sumac				4					
Japanese Quince				4					
Cotonester				4					
Cotonester (Rockspray, Cranberry)				4				4	
Potenilla				4					

(L) *Exceptions.*

- (1) *Buildings abutting property lines.* Required screening may be omitted along any lot line where a building wall exists immediately abutting the lot line.
- (2) *Location adjustments.* Where property line screening is required, the location may be adjusted, at the discretion of the Planning Commission, so that the screening may be constructed at or within the setback line, provided the areas between the screening and the property lines are landscaped, or in rural areas, retain their natural vegetative state.
- (3) *Planning Commission modification.* Any of the requirements of this section may be waived or modified through site plan approval, provided the Planning Commission first makes a finding that:
  - (a) The topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative landscape designs; and
  - (b) The public benefit intended to be secured by this section will exist with less than the required landscaping or screening.

(Ord. 239, passed 3-5-2001, § 6.2; Am. Ord. 263, passed 8-20-2007) Penalty, see § 151.999

**§ 151.102 FENCES, WALLS, AND SCREENS.**

(A) Any person desiring to build or cause to be built a fence upon property within the Village of Manchester shall first apply to the Zoning Administrator for a permit. Application for the permit shall contain any and all information, including site plan and opacity, which are required and necessary for the determination of whether the erection of the fence would be contrary to the provisions of this chapter. The fee for the permit shall be set by Council resolution.

(B) Except as otherwise required by this chapter, the following regulations shall apply.

- (1) In a residential district, fences shall not exceed 6 feet in height. However, fences in the required front yard shall not exceed 4 feet in height and 50% opacity. Opacity is the degree to which a fence is impervious to rays of light. This condition shall be measured by the observation of any 2 square yard area of fence between 1 foot above the ground level and the top of the fence. The observation shall be from a direction perpendicular to the place of the fence.
  - (a) Residential fences shall only be constructed of the following materials:
    1. Treated wood, cedar, or redwood.
    2. Simulated wood, including vinyl covered and synthetic wood composite or equivalent.
    3. Decorative brick or stone.
    4. Chain link.
    5. Any other material which the Zoning Administrator determines to be equivalent to the above in terms of quality and appearance.
  - (b) The use of barbed wire, snow fence, chicken wire, and electric is prohibited as a residential fence.
  - (c) Welded wire farm fencing and similar is prohibited as a residential fence except within the R1A and AG Districts. All fence supports shall be uniform in height and style.
  - (d) The Zoning Administrator shall evaluate the fence type to determine which side of the fence shall face outward with the rule being that the finished side faces the neighbor.
- (2) In a commercial, industrial, or office district, no fence, wall, or other screening structure shall exceed 12 feet in height.
- (3) The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
- (4) No fence shall be constructed or maintained which is charged or connected with an electrical current.
- (5) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- (6) Temporary construction fences and fences required for protection around excavations shall comply with Article 18 of the Basic Building Code. The fences shall not remain in place for a period greater than a year.
- (7) Clear vision requirements.
  - (a) No fence, wall, screen, hedge, sign, or other structure or planting shall obstruct visibility between the heights of 30 inches and 10 feet above the sidewalk grade within 25 feet of the intersection of 2 or more streets.
  - (b) On any interior lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of 30 inches and 10 feet measured a distance of 20 feet back from the point where the driveway intersects the street.

(Ord. 239, passed 3-5-2001, § 6.3; Am. Ord. 296, passed 12-19-2016) Penalty, see § 151.999

**§ 151.103 AIRBORNE EMISSIONS.**

- (A) *Smoke and air contaminants.* It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by federal and/or state regulatory authorities.
- (B) *Odors.* Any condition or operation which results in the creation of odors of the intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this division (B) are not intended to apply to farming activities.
- (C) *Gases.* The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

(Ord. 239, passed 3-5-2001, § 6.4) Penalty, see § 151.999

**§ 151.104 NOISE AND VIBRATION.**

(A) Noise which is objectionable as determined by the village due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the noise control provisions in the Village Code.

(B) In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the decibel readings in the noise control provisions of this code, shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

(C) No use shall generate any ground transmitted vibration in excess of the limits set forth below. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following standards shall apply.

<i>Particle Velocity, Inches Per Second</i>	
<i>Frequency in Cycles Per Second</i>	<i>Displacement in Inches</i>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

(D) Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

(Ord. 239, passed 3-5-2001, § 6.5) Penalty, see § 151.999

#### **§ 151.105 USE, STORAGE, AND HANDLING OF HAZARDOUS SUBSTANCES; STORAGE AND DISPOSAL OF SOLID, LIQUID, AND SANITARY WASTES.**

(A) It shall be unlawful for any person, firm, corporation, or other legal entity to pollute, impair, or destroy the air, water, soils, or other natural resources within the village through the use, storage, and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous, and/or sanitary wastes.

(B) Any person, firm, corporation, or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall obtain the necessary permits or approval from the appropriate federal, state, or local authority having jurisdiction.

(C) Any person, firm, corporation, or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall complete and file a hazardous chemicals survey on a form supplied by the village in conjunction with the following:

- (1) Upon submission of a site plan;
- (2) Upon any change of use or occupancy of a structure or premises; and
- (3) Upon any change of the manner in which the substances are handled, and/or in the event of a change in the type of substances to be handled.

(D) All business and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 220 pounds) shall comply with the following standards.

(1) *Above-ground storage and use areas for hazardous substances.*

- (a) 1. Secondary containment of hazardous substances and polluting materials shall be provided.
2. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- (b) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
- (c) Secondary containment structures such as out buildings, storage rooms, sheds, and polebarns shall not have floor drains.
- (d) Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where the materials are handled and used, shall be designed and constructed to prevent discharge or runoff.

(2) *Underground storage tanks.* Existing and new underground storage tanks shall be registered, installed, operated, maintained, and removed in accordance with requirements of the appropriate federal, state, or local authority having jurisdiction.

(3) *Loading and unloading areas.* Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

(E) All site plans for businesses or facilities which use, store, or generate hazardous substances shall be reviewed by the Fire Department, Village Engineer, and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

(Ord. 239, passed 3-5-2001, § 6.6) Penalty, see § 151.999

#### **§ 151.106 ELECTRICAL DISTURBANCE, ELECTROMAGNETIC, OR RADIO FREQUENCY INTERFERENCE.**

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of the disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of the disturbance is adversely affected.

(Ord. 239, passed 3-5-2001, § 6.7) Penalty, see § 151.999

#### **§ 151.107 GLARE AND EXTERIOR LIGHTING.**

(A) *Light and glare from indirect sources.*

(1) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

(2) The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.

(3) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(B) *Exterior lighting from direct sources.*

(1) Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using the public or common areas.

(2) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.

(C) *Additional standards.* The following additional standards shall apply.

(1) Only white, nonglare lighting such as metal halide, color-corrected high pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

(2) The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. Light intensity shall average a minimum of 0.5 foot-candle over the entire area, measures 5 feet above the surface.

(3) Except as noted below, lighting fixtures shall not exceed a height of 25 feet. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of 20 feet.

(4) All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of the lighting upon adjacent properties, and traffic safety. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purpose is not permitted. Temporary holiday lighting and decoration are exempt from the aforementioned provision.

(Ord. 239, passed 3-5-2001, § 6.8) Penalty, see § 151.999

#### **§ 151.108 FIRE HAZARD.**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and the safety devices as are normally used in the handling of any such material. The hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

(Ord. 239, passed 3-5-2001, § 6.9) Penalty, see § 151.999

#### **§ 151.109 SAFETY.**

Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, land fills, sanitary land fills, demolition sites, unused basements, abandoned wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety, and welfare.

(Ord. 239, passed 3-5-2001, § 6.10) Penalty, see § 151.999

#### § 151.110 STORMWATER MANAGEMENT.

(A) *Generally.* All developments and earth changes subject to review under the requirements of this chapter shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Stormwater management shall comply with the following standards.

- (1) The design of storm sewers, detention facilities, and other stormwater management facilities shall comply with the standards of the Washtenaw County Drain Commissioner.
- (2) Stormwater management conveyance, storage, and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
- (3) The use of swales and vegetated buffer strips is encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- (4) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
- (5) Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality and the Washtenaw County Drain Commissioner, based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the Village Engineer, with consultation of appropriate experts.
- (6) Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.

(B) *On-site stormwater detention.* For the purpose of controlling drainage to off-site properties and drainage ways, all properties which are developed under this zoning code, whether new or improved, shall provide for on-site detention storage of storm water in accordance with the current Washtenaw County Drain Commission's standards.

(Ord. 239, passed 3-5-2001, § 6.11) Penalty, see § 151.999

#### § 151.111 REGULATION OF FLOOD PLAIN AREAS.

(A) *Purpose.*

(1) The flood plains of the village are subject to periodic inundation of floodwaters which result in loss of property, health, and safety hazards, disruption of commerce and governmental service, and impairment of tax base.

(2) It is the purpose of this section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the 44 C.F.R. pt. 31177.

(3) The provisions of this section are intended to:

- (a) Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
- (b) Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;
- (c) Require that uses vulnerable to floods, including public facilities which serve those uses, shall be protected against flood damage at the time of initial construction;
- (d) Protect individuals from buying lands which are designated to be unsuited for intended purposes because of flooding; and
- (e) Permit reasonable economic use of property located within a designated flood plain area.

(B) *Delineation of flood plain areas.*

(1) Designated flood plain areas shall overlay existing zoning districts delineated on the Zoning District Map of the village. The boundaries of the flood plain areas are identified in the report entitled, the Flood Insurance Study, Village of Manchester, prepared by FEMA with an effective date of 6-15-1982, as may be revised from time to time. The study and accompanying maps are adopted by reference, appended, and declared to be part of this chapter.

(2) The standard applied to establishing the flood plain area is the base flood plain delineated by the base flood. In areas associated with riverine flooding, a floodway is designated within the flood plain area.

(3) Where there are disputes as to the location of a flood plain area boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with § 151.205 *et seq.*

(C) *Application of regulations.*

(1) In addition to other requirements of this chapter applicable to development in the underlying zoning district, compliance with the requirements of this section shall be necessary for all development occurring within designated flood plain areas. Conflicts between the requirements of this section and other requirements of this chapter or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section. In those cases, the more stringent requirement shall be applied.

(2) Upon application for land use permits, the Zoning Administrator shall determine whether the use is located within a designated flood plain area utilizing the documents cited in division (B) above. The issuance of a land use permit within the flood plain area shall comply with the following standards:

- (a) The requirements of this section shall be met;
- (b) The requirement of the underlying districts and all other applicable provisions of this chapter shall be met; and
- (c) All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a flood plain permit, approval, or letter of authority from the Michigan Department of Natural Resources under authority of Public Act 451 of 1994, being M.C.L.A. §§ 324.101 *et seq.* Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

(3) Flood plain management administrative duties.

(a) With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in division (D) below, the duties of the Zoning Administrator shall include, but are not limited to:

1. Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of the notifications to the Federal Insurance Administration;
2. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed; and
3. Recording of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in flood hazard area zone indicating the terms of the variance. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.

- (b) All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- (c) It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this chapter in the absence of data from FEMA.

(D) *Flood plain standards and requirements.*

(1) The following general standards and requirements shall be applied to all uses proposed to be located within the flood plain area.

(a) All new construction and substantial improvements within a flood plain, including the placement of prefabricated buildings and mobile homes, shall:

1. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage; and
3. Be constructed by methods and practices that minimize flood damage.

(b) All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.

(c) All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters.

(d) All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.

(e) Adequate drainage shall be provided to reduce exposure to flood hazards.

(f) The Village Engineer or his or her representative shall review development proposals to determine compliance with the standards in this sections and shall transmit his or her determination to the Zoning Administrator.

(g) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of § 151.100 *et seq.*

(h) The flood carrying capacity of any altered or relocated watercourse not subject to state and federal regulations designed to insure flood carrying capacity shall be maintained.

(i) Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by FEMA shall take precedence over data from other sources.

(2) The following specific standards shall be applied to all uses proposed to be located within the flood plain area but not within the floodway portion of the flood plain area. All new construction and substantial improvements of nonresidential structures shall have either;

(a) The lowest floor, including basement, elevated at least 0.1 foot above the base flood level; or

(b) Be constructed so that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this division (D)(2)(b) are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with base flood in the location of the structure.

(3) The following general standards and requirements shall be applied to mobile homes located within flood plain areas.

(a) Anchoring must meet HUD specifications, per rule 605.

(b) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Washtenaw County Sheriff Department for mobile home parks and mobile home subdivisions.

(c) Mobile homes within zones AI-30 on the Flood Insurance Rate Map shall be located in accord with the following standards.

1. All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.

2. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.

3. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than 10 feet apart; and reinforcement shall be provided for piers more than 6 feet above ground level.

4. In mobile home parks and mobile home subdivisions which exist at the time this division (D)(3)(c) is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, the standards in divisions (D)(3)(c)1. through (D)(3)(c)3. above shall be complied with.

(4) The following standards shall be applied to all uses proposed to be located within the floodway portion of the flood plain area.

(a) 1. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited.

2. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Department of Natural Resources that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Public Act 245 of 1929, being M.C.L.A. §§ 323.1 - 323.12, as amended by Public Act 167 of 1968, being M.C.L.A. §§ 323.1 - 323.5b.

(b) The placement of mobile homes shall be prohibited.

(c) The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

(E) *Warning and disclaimer of liability.*

(1) The degree of flood protection required by provisions of this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.

(2) These provisions do not imply that areas outside the flood plain or land uses permitted within the districts will be free from flooding or flood damages nor shall the village or any officer or employee thereof be liable for any flood damages that result from reliance on the provisions of this section or any administrative decision lawfully made thereunder.

(Ord. 239, passed 3-5-2001, § 6.12) Penalty, see § 151.999

#### § 151.112 BUILDING GRADES.

(A) Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.

(B) When a new building is constructed on a vacant lot between 2 existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal run-off of surface water to flow onto the adjacent property.

(C) Final grades shall be approved by the Building Official who may require a grading plan which has been duly completed and certified by a registered engineer or land surveyor.

(Ord. 239, passed 3-5-2001, § 6.13) Penalty, see § 151.999

### PLANNED UNIT DEVELOPMENT DISTRICTS

#### § 151.125 PURPOSE AND INTENT.

Planned unit development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the village; and bring about a greater compatibility of design and use. The provisions of §§ 151.125*et seq.* provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

(Ord. 239, passed 3-5-2001, § 7.1)

#### § 151.126 PUD REGULATIONS.

(A) A planned unit development (PUD) may be applied for in any zoning district. The grant of a planned unit development application shall require a rezoning by way of amendment of this chapter upon the recommendation of the Planning Commission and approval of the Village Council.

(B) Any land use authorized in this chapter may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development

(C) The applicant for a planned unit development must demonstrate all of the following criteria as a condition to being entitled to planned unit development treatment.

(1) Grant of the planned unit development will result in 1 of the following:

(a) A recognizable and material benefit to the ultimate users of the project and to the community, where the benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;

(b) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where the benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or

(c) A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

(2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets, and utilities.

(3) The proposed development shall be consistent with the public health, safety, and welfare of the village.

(4) The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.

(5) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

(6) The proposed development shall be under single ownership and/or control so that there is a single person having responsibility for completing the project in conformity with this chapter.

(7) The proposed development shall be consistent with the goals and policies of the general development plan.

(Ord. 239, passed 3-5-2001, § 7.2) Penalty, see § 151.999

#### § 151.127 PROCEDURE FOR REVIEW.

(A) *Preapplication conference.* Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at the conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information:

(1) Total number of acres in the project;

(2) A statement of the number of residential units, if any;

(3) The number and type of nonresidential uses;

(4) The number of acres to be occupied by each type of use;

(5) The known deviations from ordinance;

- (6) Regulations to be sought;
- (7) The number of acres to be preserved as open or recreational space; and
- (8) All known natural resources and natural features to be preserved.

(B) *Preliminary plan.*

(1) *Generally.* Following the preapplication conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. The preliminary site plan shall be prepared in accordance with the standard set forth in § 151.023(C). A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in § 151.125 have been met.

(2) *Planning Commission action.* The preliminary plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take 1 of the following actions.

(a) *Approval.* Upon finding that the preliminary plan meets the criteria and standards set forth in §§151.125 and 151.126, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the Planning Commission shall not constitute rezoning of the property to PLTD nor bind the Village Council to approval of the final plan.

(b) *Tabling.* Upon finding that the preliminary plan does not meet the criteria and standards set forth in §§151.125 and 151.126, but could meet the criteria if revised, the Planning Commission may table action until a revised preliminary plan is resubmitted.

(c) *Denial.* Upon finding that the preliminary plan does not meet the criteria and standards set forth in §§151.125 and 151.126, the Planning Commission shall deny preliminary approval.

(C) *Final plan.* Within 6 months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this section. If a final plan is not submitted by the applicant for final approval within 6 months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.

(1) *Information required.* A final site plan and application for a PUD shall contain the following information:

- (a) A site plan meeting all requirements of § 151.023(D);
- (b) A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of § 151.125et seq.;
- (c) A specific schedule of the intended development and construction details, including phasing or timing;
- (d) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features;
- (e) A specification of the exterior building materials with respect to the structures proposed in the project; and
- (f) Signatures of all parties having an interest in the property.

(2) *Planning Commission action.* The final plan shall constitute an application to amend this chapter, and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission, and the Village Council, as provided by law.

(a) *Approval.* Upon finding that the final plan meets the criteria and standards set forth in §§151.125 and 151.126, the Planning Commission shall recommend approval to the Village Council.

(b) *Tabling.* Upon finding that the final plan does not meet the criteria and standards set forth in §§151.125 and 151.126, but could meet the criteria if revised, the Planning Commission may take action until a revised final plan is resubmitted.

(c) *Denial.* Upon finding that the final plan does not meet the criteria and standards set forth in §§151.125 and 151.126, the Planning Commission shall recommend denial to the Village Council. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project, including, without limitation, recommendations with respect to matters on which the Village Council must exercise discretion.

(3) *Village Council action.* Upon receiving a recommendation from the Planning Commission, the Village Council shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in §§ 151.125 and 151.126, the Village Council shall approve, table, or deny the final plan. Prior to approval of a final plan, the Village Council shall require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be prepared by the Village Attorney, approved by the Village Council, and signed by both the village and the applicant.

(Ord. 239, passed 3-5-2001, § 7.3) Penalty, see § 151.999

**§ 151.128 PROJECT DESIGN STANDARDS.**

(A) *Residential design standards.*

(1) Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under §§ 151.125et seq.

(2) Additional density for residential uses may be allowed in the discretion of the Village Council upon the recommendation of the Planning Commission and based upon a demonstration by the applicant of consistency with the general development plan and of planning and design excellence resulting in a material benefit to the village, adjacent land uses, and/or the ultimate users of the project, where the benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long-term aesthetic beauty, and protection and preservation of natural resources and features.

(B) *Nonresidential design standards.*

(1) Nonresidential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses.

(2) The nonresidential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

(C) *General design standards.*

(1) (a) All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.

(b) Notwithstanding division (C)(1)(a) above, deviations with respect to the regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Village Council upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of §§ 151.125et seq.

(2) To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state, and national concern for the protection and preservation of the natural resources or features and the following criteria:

- (a) The availability of feasible and prudent alternative methods of accomplishing any development;
- (b) The extent and permanence of the beneficial or detrimental effects of the proposed activity; and
- (c) The size, quality, and rarity of the natural resources or natural features which would be impaired or destroyed.

(3) There shall be a perimeter setback and berming, as found to be necessary by the village, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes nonresidential uses adjacent to a district authorizing residential uses, and/or if the project is larger than 1 acre in area, the perimeter setback shall be established with a dimension from the property line of up to 100 feet in the discretion of the Village Council, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

(4) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.

(5) There shall be underground installation of utilities, including electricity, and telephone, as found necessary by the village.

(6) Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the village.

(7) Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

(8) Where nonresidential uses adjoin off-site residentially-zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The village, in its discretion, shall review and approve the design and location of the mechanisms.

(9) The Village Council, upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using the zoning code, general development plan, and other village standards or policies as a guide.

(Ord. 239, passed 3-5-2001, § 7.4) Penalty, see § 151.999

**§ 151.129 CONDITIONS.**

(A) Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring 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, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

(B) Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this chapter, and be related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the record of the approved planned unit development.

(Ord. 239, passed 3-5-2001, § 7.5) Penalty, see § 151.999

#### § 151.130 PHASING AND COMMENCEMENT OF CONSTRUCTION.

(A) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Village Council after recommendation from the Planning Commission.

(B) *Commencement and completion of construction.* To ensure completion of required improvements, the village is authorized to impose performance guarantees in accordance with § 151.026. Construction shall be commenced within 1 year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by § 151.126(C). If construction is not commenced within the time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Village Council upon good cause shown if the request is made to the Village Council prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Village Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

(Ord. 239, passed 3-5-2001, § 7.6) Penalty, see § 151.999

#### § 151.131 EFFECT OF APPROVAL.

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with the amendment. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Washtenaw County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.

(Ord. 239, passed 3-5-2001, § 7.7)

### SIGNS

#### § 151.145 INTENT AND PURPOSE.

(A) The intent of §§ 151.145*et seq.* is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, and welfare. While this chapter recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the village, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

(B) To achieve its intended purpose, §§ 151.145*et seq.* has the following objectives:

- (1) To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
- (2) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
- (3) To keep signs within a reasonable scale with respect to the buildings they identify;
- (4) To reduce visual distraction and obstructions to motorists traveling along, entering, or leaving streets;
- (5) To promote a quality manner of display which enhances the character of the village;
- (6) To prevent the proliferation of temporary signs which might promote visual blight; and
- (7) To eliminate the potential for any adverse effects on the neighboring properties.

(Ord. 239, passed 3-5-2001, § 8.1; Am. Ord. 289, passed 6-2-2014)

#### § 151.146 GENERAL CONDITIONS.

(A) *Location.* All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.

(B) *Illumination.*

- (1) No sign shall be illuminated by other than electrical means.
- (2) The light from illuminated signs shall be directed and shielded in a manner that will not interfere with vehicular traffic or the enjoyment and use of adjacent properties, nor directly shine onto adjacent or abutting properties. Illuminated signs adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candle along the adjacent property line. All externally illuminated signs shall have a shielded light fixture.
- (3) No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing, except that movement showing the date, the time and the temperature exclusively may be permitted.
- (4) Internal illumination shall be permitted under the following circumstances:
  - (a) Individual back-lit letters which are silhouetted against softly illuminated walls;
  - (b) Individual letters with translucent faces, containing soft lighting elements inside each letter; and
  - (c) Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes;
- (5) Only indirectly illuminated signs shall be allowed in any residential district.
- (6) Internally-illuminated plastic signs with dark-colored detachable letters shall be strictly prohibited in all districts.
- (7) Gas-filled light types (fluorescent) shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.
- (8) Rear-illuminated (backlit) awnings are prohibited.
- (9) Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window.

(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 chapter and other laws, the most restrictive shall govern.
- (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement on any public sidewalk.
- (3) No sign shall be erected, relocated, or maintained so as to obstruct firefighting or prevent free access to any door, window, or fire escape.

(D) *Landscape quality and preservation.* In the application of this chapter, 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) Do not create a nuisance to persons using the public right-of-way;
- (3) Do not constitute a nuisance to occupancy of adjacent and continuous property by their brightness, size, height, or movement;
- (4) Are not detrimental to land or property values; and
- (5) Contribute to the special character of particular areas or districts in the village.

(E) *Signs prohibited in all districts.*

- (1) Roof signs;
- (2) Signs containing flashing, intermittent or moving lights, moving or revolving parts, or reflecting parts which may distract drivers. This provision is not intended to exclude those signs which give the time or temperature, provided no other animated messages are displayed;
- (3) Signs affixed to trees, rocks, shrubs, or similar natural features, except signs denoting a site of historic significance;
- (4) Signs which imitate traffic signals, traffic direction signs, or similar traffic-control devices, and 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;
- (5) Temporary signs mounted upon trucks, vans, or other wheeled devices, except for political signs. Signs permanently painted on, or otherwise permanently displayed upon, a vehicle licensed

and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted;

(6) Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property, unless otherwise specified herein;

(7) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance; and

(8) Any sign unlawfully installed, erected, or maintained.

(F) *Signs permitted in all districts.*

(1) Nameplates not exceeding 2 square feet in size;

(2) Political signs for public office or issues to be determined by election may be erected 45 days prior to an election. The 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 signs shall be removed 5 days following Election Day;

(3) Directional signs which indicate the direction of traffic flow on private property. Directional signs shall not exceed 2 square feet in size, shall contain no advertising, and may be illuminated; and

(4) Street numbers.

(Ord. 239, passed 3-5-2001, § 8.2; Am. Ord. 289, passed 6-2-2014) Penalty, see § 151.999

**§ 151.147 PERMITTED FREESTANDING SIGNS.**

(A) *General requirements.*

(1) One freestanding sign shall be permitted per premises which has frontage on only 1 public road.

(2) Two freestanding signs shall be permitted per premises which has frontage on 2 public roads. One sign shall not exceed the area requirements set forth herein. The second sign shall not exceed 50% of the area requirements set forth herein. Maximum sign area is provided in Table A below.

(3) A freestanding sign shall have a setback of 10 feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries.

(4) Within all residential zoning districts, only 1 ground sign shall be permitted per zoning lot for the purpose of identifying a non-residential special land use. Size and location shall be determined during site plan review.

(5) All internally illuminated free-standing signs shall have a background darker than the lettering. If a free-standing sign has an opaque background and only the letters are illuminated, it may have a non-illuminated light background.

(B) *Specific requirements.* Freestanding signs shall be permitted by district in accordance with the following requirements.

Table A - Maximum Sign Dimensions for Freestanding Signs

<i>District</i>	<i>Height Limit</i>	<i>Square Foot Limit (per side)</i>	<i>Setback</i>
<i>District</i>	<i>Height Limit</i>	<i>Square Foot Limit (per side)</i>	<i>Setback</i>
CBD	6 feet	25 square feet	10 feet
C-2	8 feet	25 square feet	10 feet
OS	6 feet	20 square feet	10 feet
I-1	6 feet	30 square feet	10 feet
I-2	10 feet	40 square feet	10 feet
R1-3	6 feet	20 square feet	10 feet
MHP	6 feet	20 square feet	10 feet

(Ord. 239, passed 3-5-2001, § 8.3; Am. Ord. 289, passed 6-2-2014) Penalty, see § 151.999

**§ 151.148 PERMITTED WALL SIGNS.**

(A) *Generally.* The following wall signs shall be permitted in the following districts in accordance with the regulations herein.

(B) *General requirements.*

(1) 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.

(2) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, straps of wood, or nails.

(3) (a) There shall be no more than 1 wall sign permitted for each building.

(b) Buildings which have frontages on 2 public rights-of-way are permitted a wall sign on both building frontages, provided total square foot area requirements set forth in division (C) below are not exceeded.

(4) For buildings with distinct and separate uses, separate wall signs shall be permitted for each use. However, the total allowable square footage shall not exceed the maximum allowable square footage specified for each district.

(C) *Specific requirements.* Wall signs shall be permitted by the district in accordance with the following requirements.

<i>District</i>	<i>Height</i>	<i>Area</i>
CBD and C-2 Districts; all permitted and special uses	4 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 100 square feet
OS District	4 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 40 square feet
I-1 and I-2 Districts; all permitted and special uses	4 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 40 square feet
R-1A, R-1B, R-2, and R-3 Districts; all nonresidential permitted and special uses such as schools, churches, parks, and municipal buildings	2 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 20 square feet
R-1A, R-1B, R-2, and R-3 Districts; identification signs for all residential developments	2 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 20 square feet

(Ord. 239, passed 3-5-2001, § 8.4) Penalty, see § 151.999

**§ 151.149 PERMITTED PROJECTING SIGNS.**

(A) Projecting and suspended signs shall be permitted in CBD Central Business Districts.

(B) The surface area of the projecting or suspended sign shall not exceed 20 square feet on each side or a total of 40 square feet. The total square feet of signage (both sides) shall be subtracted from the total allowable wall signage square footage for the district

(C) The bottom of the projecting or suspended sign shall be a minimum of 8 feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.

(Ord. 239, passed 3-5-2001, § 8.5) Penalty, see § 151.999

#### § 151.150 PERMITTED TEMPORARY SIGNS.

- (A) *Generally.* The following temporary signs shall be permitted in accordance with the regulations herein.
- (B) *Permitted real estate.*

(1) One nonilluminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in any district, provided the signs are located on the property intended to be rented, leased, or sold. The signs shall not exceed an area of 6 square feet and a height of 4 feet in all residential districts, and an area of 32 square feet and a height of 12 feet in all other districts. The signs must be removed 7 days after closing. Real estate open house and directional signs are limited to use on the day of the event, and are allowed in the public right-of-way.

- (2) Signs listing persons or firms connected with construction or work being performed are prohibited.

(C) *Temporary signs and promotional signs and banners.*

(1) *Temporary promotional sign or banner.* In all districts, the Zoning Administrator may allow a business to use 1 temporary promotional sign or banner for a period of up to a 45 days. The use of temporary promotional signs or banners is limited to 4 times per calendar year. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and area for the zoning district in which they are located.

(2) *Allowable portable display signs.*

(a) *Definition.* **PORTABLE DISPLAY SIGNS** are defined as follows:

1. **SANDWICH-BOARD TYPE.** Two rigid boards, connected at the top to form an A-frame, with the faces of the board extending to within 6 inches of the ground;
2. **EASEL TYPE.** A single board, held vertically or almost vertically, and supported with leg(s) extending from the top of the board to the ground to form an A-frame. The board shall extend to within 6 inches of the ground;
3. **DOUBLE-SIDED TYPE.** A single board with display faces on each side, standing vertical and supported at the bottom.

(b) *Location.*

1. In commercial zones (OS, C-2, and CBD), 1 portable display sign shall be permitted per building or business, placed directly in front of that business or property.
2. In the Central Business District (CBD), portable display signs must be placed so that the outer edge of the display shall be not more than 30 inches from the face of the building.
3. For buildings with distinct and separate uses, 1 portable display sign shall be permitted for each principal public building entrance, adjacent to that principal public building entrance.
4. In the C-1 and C-2 Districts, portable display signs must be placed at least 2 feet off the inside of the sidewalk.

(c) *Specifications.* Maximum height shall not exceed 5 feet. Maximum width shall not exceed 2 feet. Portable display signs must be self-supporting and structurally stable under all reasonable wind and weather conditions. Business owners will be free to design high-quality creations with minimum restrictions, encouraging hand-painted, carved, and unique signage on a flat surface. Portable display signage is encouraged to be visually consistent with the architecture within the district the signs are used.

(d) *Restrictions.*

1. Must advertise the adjacent business.
2. Shall not be attached to any stationary fixture in the public sidewalk or common areas.
3. Must not obstruct any driveway, or the sight lines of motorists entering or exiting a driveway or street.
4. Are the responsibility of the sign owner to remove during inclement weather.
5. Shall be used only during hours of operation and must not be left on the sidewalk overnight.
7. Illumination is prohibited.
8. Must be kept in good condition.
9. All portable display signs are, at all times, subject to removal at the order of the police or Village Manager for emergencies, major events, and right-of-way maintenance.

(e) *Permitting process.* All portable display signs require submission of an application and a 1-time issuance of a permit. New or replacement signs require a new permit.

1. A certificate of insurance coverage, naming the village as an additional insured party in the amount of at least \$1,000,000 for public liability and property damage associated with the use and placement of the sign, must be filed with the Zoning Administrator, if the portable display sign is to be placed in the public right-of-way.
2. A hold harmless and indemnification agreement, signed on behalf of the business, must be filed with the Zoning Administrator.
3. Application and permit fees shall be established by the Village Council.

(3) *Allowable civic and charitable activity signs.*

(a) Permission to display a sign or banner for civic or charitable activity may be authorized by the Zoning Administrator and requires a permit.

(b) Non-profit community groups may display portable display signs on the public right-of-way next to a business in the Central Business District within 5 days of, during, and no more than 24 hours after, their event, with the permission of that business owner. The business owner does not forfeit the right to display their own business sign. The non-profit signs should fall under the same design and permitting standards as the for-profit portable display signs, except for the insurance requirement (division (C)(2)(e)1.).

(4) Promotional light pole banners are permitted with Council approval. Promotional street banners are permitted on village-controlled streets with the Zoning Administrator's approval. All promotional banners that are not properly maintained shall be removed at the order of the Zoning Administrator.

(5) All other promotional signs and banners are strictly prohibited.

(Ord. 239, passed 3-5-2001, § 8.6; Am. Ord. 269, passed 4-7-2008) Penalty, see § 151.999

#### § 151.151 PERMITTED BILLBOARDS.

(A) *Generally.* The following regulations shall apply to billboards.

(B) *Where permitted.* Billboards shall be permitted only in the I-2 District, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.

(C) *Spacing.*

(1) Not more than 3 billboards may be located per linear mile of street or highway regardless of the fact that the billboards may be located on different sides of the street or highway. The linear mile measurement shall not be limited to the boundaries of the Village of Manchester where the particular street or highway extends beyond the boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only 1 face visible to traffic proceeding from any given direction on a street or highway shall be considered as 1 billboard. Additionally, billboard structures having tandem billboard faces (i.e., 2 parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., 2 billboard faces facing the same direction with 1 face being directly above the other) shall be considered as 1 billboard. Otherwise, billboard structures having more than 1 billboard face shall be considered as 2 billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in division (C)(2) below.

(2) No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.

(3) No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.

(4) No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.

(D) *Height.* The height of a billboard shall not exceed 30 feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon 2 streets or roads having different levels, the height of the billboard shall be measured from the higher street or road.

(E) *Surface area.* The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.

(F) *Illumination.* A billboard may be illuminated, provided the illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

(G) *Construction and maintenance.*

(1) No billboard shall be on top of, cantilevered, or otherwise suspended above the roof any building.

(2) (a) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity.

(b) A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

(Ord. 239, passed 3-5-2001, § 8.7) Penalty, see § 151.999

#### § 151.152 MISCELLANEOUS PERMITTED SIGNS.

(A) *Directory signs.* For offices, office parks, industrial parks, and multi-tenant buildings in the CBD, directory signs which identify only the names and locations of occupants or uses within a building on a lot shall be permitted in addition to other signs permitted under these regulations.



(1) No more than 1 directory sign per lot is permitted, except where a lot has frontage on no less than 2 sides.

(2) No directory sign shall exceed 24 square feet in area or 6 feet in height from finished grade.

(3) No directory sign shall be located closer than 50 feet to any property line in all Districts except the CBD.

(B) *Menu board.* One menu board for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations, provided the sign does not exceed 16 square feet in area or 6 feet in height from finished grade.

(C) *Changeable copy signs.* Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign, provided that the area devoted to changeable copy does not exceed 20% of the permissible sign area.

(1) Lettering used on manual changeable copy signs directed to local or collector streets shall not exceed 3 inches in height.

(2) Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall not exceed least 6 inches in height.

(3) Lettering used on manual changeable copy signs directed to pedestrians shall be at least 2 inches in height.

(D) *Off-premises directional signs.* Off-premises directional signs directing vehicular traffic to a church, governmental building, or educational institution may be permitted in all districts subject to the review of the Planning Commission and the following standards.

(1) No more than 2 signs per use shall be permitted.

(2) The size of an off-premises directional sign shall not exceed 2 square feet in size.

(3) The height of an off-premises directional sign shall be no less than 3 feet nor exceed 6 feet. However, variations in height may be granted by the Planning Commission to accommodate vehicular visibility to avoid obstruction to visibility.

(4) Illumination shall not be permitted.

(5) Permission of the property owner where the proposed sign is to be located must be provided.

(E) *Historic markers.*

(1) If a structure within the village has been designated a state historical site or listed in the National Register of Historic Places, then a marker designating that fact, obtained from the appropriate state or federal agency, shall be permitted in addition to any other sign or signs which may lawfully be placed on the structure or the property on which the structure is located.

(2) Any wishing to place a historic marker on a structure or property shall complete and file a sign permit application with the Zoning Administrator. No fee shall be charged for a historic marker application.

(3) The Planning Commission shall review the proposed placement of the historic marker and no historic marker shall be placed on any structure or property unless a permit has been approved by the Planning Commission.

(F) *Window signs.*

(1) Any sign, excluding the posting of hours of operation and/or street and building address, which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street. Window signs shall not exceed more than 30% of the window area in which they are displayed.

(2) Nontemporary signs hung inside windows shall be made of clear materials, such as transparent plastic, with lettering painted or attached to them, with all hours of operation, credit card and address signs being exempt.

(3) Window signs do not require sign permits, nor count in the calculation of total building signage permitted.

(4) Permanent and/or illuminated window signs require a permit and application.

(G) *Mural signs.* When a mural or graphic includes identification of an establishment or specific services, good, or products, or a representation of the types of services, good, or products provided on the wall, the mural area will count towards the total permitted wall sign area. Murals are subject to conditional land approval based upon a recommendation from the Planning Commission and the following standards.

(1) No mural may be placed on any building or structure that includes nonconforming signs.

(2) Only 1 wall, facade, or surface of a building or structure may be used for a mural.

(3) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as 1 sign. A mural will count towards the total wall signage allowed for the business; however, the Village Council in its sole discretion may permit murals of larger size. Larger murals shall be permitted when determined to demonstrate at least 1 of the following:

(a) Accentuates the historic features of the building;

(b) Masks an unattractive building facade;

(c) Creates an aesthetically pleasing amenity; and/or

(d) Superior in aesthetics to an attached wall sign;

(4) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of the mural on the property, and shall agree to restore the wall, facade, or surface upon which the mural is placed to its prior existing condition if and at the time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.

(5) In the review of the conditional land use, the Village Council shall grant approval only if the following criteria are met.

(a) The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.

(b) Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.

(c) Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.

(Ord. 239, passed 3-5-2001, § 8.8) Penalty, see § 151.999

#### § 151.153 PERMITS REQUIRED.

(A) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise noted within this chapter.

(B) A permit shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of this chapter, provided if an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, structural modification of the sign shall not be required.

(C) (1) When a sign permit has been issued by the village, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without prior approval of the building official.

(2) A written record of the approval shall be entered upon the original permit application and maintained in the files of the village.

(D) (1) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his or her authorized agent, or a sign contractor.

(2) The applications shall be made in writing on forms furnished by the village and shall be signed by the applicant.

(E) The application for a sign permit shall be accompanied by the following plans and other information:

(1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;

(2) The location by street address of the proposed sign structure;

(3) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and the other data as are pertinent to the application;

(4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guylines, supports and footings, and materials to be used;

(5) The application, including all required information, for an electrical permit if the sign will have an electrical connection; and

(6) A statement of valuation.

(Ord. 239, passed 3-5-2001, § 8.9) Penalty, see § 151.999

### OFF-STREET PARKING AND LOADING

#### § 151.165 INTENT AND PURPOSE.

The purpose of §§ 151.165 *et seq.* is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized, and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the village or with land uses allowed by this chapter.

(Ord. 239, passed 3-5-2001, § 9.1)

**§ 151.166 GENERALLY.**

(A) *Where required.* In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this chapter, shall be provided as herein prescribed. The space shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of the spaces are provided elsewhere in conformance with this chapter.

(B) *Existing off-street parking at effective date this chapter.* Off-street parking existing at the effective date of this chapter which serves an existing building or use shall not be reduced in size to less than that required under the terms of this chapter.

(C) *Required greenbelt and setbacks.* Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with § 151.101(F). Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum 5-foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties.

(D) *Parking duration.* Except when land is used as storage space in connection with the business of a repair or service garage, a 24-hour time limit for parking in nonresidential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but the requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junk yard or a nuisance in those areas.

(E) *Units and methods of measurement.* For the purpose of determining off-street parking requirements, the following units of measurement shall apply.

(1) *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, the unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.

(2) *Employees.* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

(3) *Places of assembly.* In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as 1 seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(4) *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require 1 parking space.

(F) *Location of parking.*

(1) *One- and 2-family dwellings.* The off-street parking facilities required for 1- and 2-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of §§ 151.165et seq.

(2) *Multiple-family residential.* The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in §§ 151.165et seq. In no event shall any parking space be located nearer than 10 feet to any main building.

(3) *Other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 500 feet of the permitted uses requiring the off-street parking, the distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

(4) *Restriction on parking on private property.* It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of the property.

(Ord. 239, passed 3-5-2001, § 9.2) Penalty, see § 151.999

**§ 151.167 OFF-STREET PARKING REQUIREMENTS.**

(A) *Generally.*

(1) The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with § 151.168.

(2) Parking requirements listed in § 151.168 shall not include off-street stacking spaces for drive-through facilities set forth in § 151.171.

(B) *Similar uses and requirements.* When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.

(C) *Collective provisions.* Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for 2 or more buildings or uses, provided the facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with § 151.168.

(D) *Parking exemption.* As of the effective date of this chapter, buildings and uses located within the CBD Central Business District shall be exempt from providing off-street parking. However, in no case should a building or use be expanded to remove off-street parking established before the effective date of this chapter.

(E) *Flexibility in application.*

(1) The Village recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in § 151.168 may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.

(2) The Village Council, based on a recommendation from the Planning Commission, may permit deviations from the requirements of § 151.168 and may require more or allow less parking whenever it finds that the deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

(3) The Village Council may attach conditions to the approval of a deviation from the requirement of § 151.168 that bind the approval to the specific use in question. Where a deviation results in a reduction of parking, the Village Council may further impose conditions which ensure that adequate reserve area is set aside for future parking, is needed.

(Ord. 239, passed 3-5-2001, § 9.3)

**§ 151.168 TABLE OF OFF-STREET PARKING REQUIREMENTS.**

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table.

Use	Required Number of Parking Spaces Per Each Unit of Measure as Follows		
Use	Required Number of Parking Spaces Per Each Unit of Measure as Follows		
<i>Residential Uses</i>			
Single- or 2-family dwelling	2	Per each dwelling unit	
Multiple-family dwelling	2	Per each dwelling, plus	
<i>Institutional Uses</i>			
Churches	Senior citizen housing and senior assisted living	1	Per each dwelling unit, plus
		1	Per each 3 seats based on maximum seating capacity in the main place of assembly therein
Private clubs and lodges	1	Per each 3 individual members allowed within the maximum occupancy load as established by fire and/or building codes	
Hospitals	Convalescent homes, homes for the aged, children's homes	1	Per each 4 beds, plus
		1	Per each 5 beds, plus
<i>Institutional Uses</i>			
High schools, trade schools, colleges, and universities	Elementary and middle schools	1	Per each teacher, plus
		1	Per each teacher, plus
		1	Per each 5 students, plus
Day-care homes		1	Per each
Stadiums, sports arenas, and auditoriums	1	Per each 4 seats based on maximum seating capacity and/or caregiver	
Libraries and museums	1	Per each 500 square feet of floor area	
<i>General Commercial Uses</i>			

Retail Stores, except as otherwise	1	Per each 100 square feet of floor area specified herein		
Supermarkets, drugstores, and other self-serve retail establishments	1	Per 150 square feet of floor area		
Convenience stores and video stores	1	Per 100 square feet of floor area		
Planned shopping center	1	Per 100 square feet of floor area for the first 15,000 square feet, plus		
<i>General Commercial Uses</i>	Furniture, appliances, hardware, household equipment sales	1	Per each 400 square feet of floor area, plus	
Motels and hotels	1	Per each guest bedroom, plus		
Sit-down restaurants	Fast-food restaurants	1	Per each 125 square feet of floor area, plus	
	Taverns and cocktail lounges	1	Per each 3 seats, based on maximum seating capacity, plus	
Garden stores, building material sales	1	Per each 3 persons allowed within the (other than fast-food restaurants) maximum occupancy load as established by fire and/or building codes, plus		
		Per each 800 square feet of lot area used for the business provided for herein		
Movie theaters	1	Per each 4 seats based on the maximum seating capacity, plus		
<i>Automotive Uses</i>	Wholesale stores, machinery sales, and other similar uses	1	Per each 1,000 square feet of floor area, plus	
Auto sales	1	Per each 200 square feet of showroom floor area, plus		
	Automotive repair facilities	2	Per each service stall, plus	
		1	Per each pump unit, plus	
	Gasoline stations with convenience store	Gasoline stations without convenience store	1	Per each pump unit, plus
Car washes (self-serve)		1	Per each wash stall, plus	
	Car washes (automatic)	1	Per 200 square feet of floor area of customer waiting and service areas, plus	
<i>Office and Service Uses</i>			Collision or bump shops, and other similar uses	2
Medical and dental office	1	Per each 150 square feet of floor area		
Business and professional offices	1	Per each 200 square feet of floor area		
Banks	1	Per each 200 square feet of floor area		
Barber and beauty shops	3	Per each chair		
<i>Recreational Uses</i>				
Bowling alleys	4	Per bowling lane, plus		
		Amount required for accessory uses such as a restaurant or cocktail lounge		
	Private tennis, swim, or golf clubs, or other similar uses	1	Per each 2 memberships, plus	
		Amount required for accessory uses such as a restaurant or cocktail lounge		
Golf course, open to the general public	5	Per each hole, plus		
		Amount required for accessory uses such as a restaurant or cocktail lounge		
<i>Industrial Uses</i>				
Industrial or manufacturing or establishments	1	Per each employee, or		
	Warehouses and storage buildings	1	Per each employee, or	
Contractors office		1	Per each employee	

**§ 151.169 OFF-STREET PARKING LOT DESIGN AND CONSTRUCTION.**

- (A) (1) The construction of any parking lot shall be in accordance with the requirements of the provisions of this chapter and the construction shall be completed and approved by the Zoning Administrator before use of the property as a parking lot and before a certificate of occupancy is issued.
- (2) Unless incorporated in a site plan prepared and approved in accordance with § 151.023, plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than 50 feet equals 1 inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot.
- (B) (1) All the parking lots, driveways, or loading areas required for uses other than single- or 2-family residential shall be hard-surfaced with asphalt or concrete pavement, shall be graded and drained so as to dispose of surface water which might accumulate within or upon the area, and shall be completely constructed prior to a certificate of occupancy being issued. Drainage for parking lots shall conform to the standards set forth in § 151.110.
- (2) All illumination for all the parking lots shall meet the standards set forth in § 151.107.
- (3) Parking lot landscaping and buffering requirements shall meet the standards set forth in § 151.101(E).
- (4) Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.
- (5) Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping, wheel stops shall be provided. No portion of a parking space and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.
- (6) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations.

<b>Maneuvering Lane Width</b>				
<b>Parking Pattern</b>	<b>1-Way</b>	<b>2-Way</b>	<b>Parking Space Width</b>	<b>Parking Space Length</b>
0° Parallel	12 feet	20 feet	9 feet	25 feet
30° - 53°	12 feet	20 feet	9 feet	20 feet
54° - 74°	15 feet	24 feet	9 feet	20 feet
75° - 90°	15 feet	24 feet	9 feet	20 feet

(Ord. 239, passed 3-5-2001, § 9.5) Penalty, see § 151.999

**§ 151.170 OFF-STREET LOADING REQUIREMENTS.**

- (A) On the same premises with every building or part thereof, erected and occupied for any uses involving the receipt or distribution of trucks and/or delivery vehicles, material or merchandise, adequate space for loading and unloading shall be provided in accordance with the following.
- (B) (1) *Loading and unloading space.* The loading and unloading space, unless completely and adequately provided for within a building, shall be an area 10 feet by 50 feet, with 14-foot height clearance, and shall be provided according to the following schedule.

<b>Gross Floor Area of Building (Square Feet)</b>	<b>Required Loading and Unloading Spaces</b>
0 - 2,000	None
2,000 - 20,000	1 space
20,000 - 100,000	1 space plus 1 space for each 20,000 square feet in excess of 20,000 square feet
100,000 - 500,000	5 spaces plus 1 space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	15 spaces plus 1 space for each 80,000 square feet in excess of 500,000 square feet

- (2) *Required greenbelt, setbacks, and screening.*
- (a) Off-street loading areas, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with § 151.101. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum 10-foot setback is maintained between off-street loading and the abutting side and rear lot lines.
- (b) Off-street loading which abuts residentially zoned or used property shall be screened in accordance with § 151.101.
- (3) *Double count.* Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

(Ord. 239, passed 3-5-2001, § 9.6) Penalty, see § 151.999

**§ 151.171 OFF-STREET STACKING SPACE FOR DRIVE-THROUGH FACILITIES.**

- (A) All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space and lanes which meets the following requirements.
- (B) (1) Each stacking space shall be computed on the basis of 10 feet in width and 20 feet in length. Each stacking lane shall be a minimum of 12 feet in width.
- (2) (a) Clear identification and delineation between the drive-through facility and parking lot shall be provided.
- (b) Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
- (3) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.
- (4) (a) The number of stacking spaces per service lane shall be provided for the following uses.
- (b) When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

<b>Use</b>	<b>Stacking Spaces Per Service Lane</b>
Banks	4
Photo service	4
Dry-cleaning	4
Fast-food restaurants	6
Car washes (self-service):	
Entry	3
Exit	1
Car washes (automatic):	
Entry	6
Exit	2

(Ord. 239, passed 3-5-2001, § 9.7) Penalty, see § 151.999

**§ 151.172 OUTDOOR STORAGE OF RECREATIONAL VEHICLES.**

- (A) In all residential districts, a recreational vehicle maybe parked or stored subject to the following conditions.
- (B) (1) Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator.
- (2) Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in 1 of the following manners:
- (a) Within the side or rear yard, but no closer than 5 feet from any side or rear lot line; or
- (b) In those instances where the side or rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the Zoning Administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of the yard shall be utilized and in no instance shall the recreational vehicle be parked or stored in a manner which obstructs pedestrian or vehicular visibility.

(3) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a maximum period of 2 weeks.

(4) No recreational vehicle shall be stored on a public street or right-of-way or private road easement.

(5) A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

(Ord. 239, passed 3-5-2001, § 9.8) Penalty, see § 151.999

## **NONCONFORMING USES, STRUCTURES, AND LOTS**

### **§ 151.185 INTENT.**

Certain existing lots, structures, and uses of lots and structures were lawful before this chapter was adopted, but have become nonconformities under the terms of this chapter and its amendments. It is the intent of this chapter to permit the nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade the nonconformities to conforming status. Nonconformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this chapter to be incompatible with the structures and uses permitted in the various districts.

(Ord. 239, passed 3-5-2001, § 10.1) Penalty, see § 151.999

### **§ 151.186 NONCONFORMING LOTS.**

(A) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, 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 this chapter. This provision shall apply even though the 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 lots shall conform to the regulations for the district in which the lot is located.

(B) If 2 or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of the parcel or lot shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this chapter.

(Ord. 239, passed 3-5-2001, § 10.2) Penalty, see § 151.999

### **§ 151.187 NONCONFORMING USES OF LAND.**

(A) Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

(B) (1) No nonconforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

(2) No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this chapter.

(3) If the nonconforming use of land ceases operation with the intent of abandonment for a period of more than 6 months, any subsequent use of the land shall conform to the regulations specified by this chapter for the district in which the land is located.

(Ord. 239, passed 3-5-2001, § 10.3) Penalty, see § 151.999

### **§ 151.188 NONCONFORMING STRUCTURES.**

(A) Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(B) (1) No structure may be enlarged or altered in a way which increases its nonconformity.

(2) Should the structure be destroyed by any means to an extent of more than 50% of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(3) Should the 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 moved.

(Ord. 239, passed 3-5-2001, § 10.4) Penalty, see § 151.999

### **§ 151.189 NONCONFORMING USES OF STRUCTURES AND LAND.**

(A) If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(B) (1) No existing structure devoted to a use not permitted by this chapter 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 part of a building which was manifestly arranged or designed for the use, and which existed at the time of adoption or amendment of this chapter, but no use shall be extended to occupy any land outside the building.

(3) 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 pertaining to the uses permitted in the district in which the structure is located, and the nonconforming use may not thereafter be resumed. Sections 151.188 and 151.999 of this section shall apply to any nonconformity relating to the structure(s).

(4) If the non-conforming use of land and structures ceases operation with the intent of abandonment for a period of more than 6 months, any subsequent use of the land shall conform to the regulations specified by this chapter pertaining to the uses permitted in the district in which the land is located. Structures occupied by seasonal uses shall be excepted from this provision only so long as seasonal uses shall continue.

(5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(6) (a) If no structural alterations are made, any nonconforming use of structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the 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.

(b) In permitting the change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.

(c) Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

(Ord. 239, passed 3-5-2001, § 10.5) Penalty, see § 151.999

### **§ 151.190 REPAIRS AND MAINTENANCE.**

(A) 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% of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

(B) (1) A nonconforming structure, nonconforming portion of a structure, or a structure containing a nonconforming use which is physically unsafe or unlawful due to lack of repairs and maintenance as determined by the Building Official may be restored to a safe condition.

(2) Where enlargement or structural alteration is necessary to allow compliance with health and safety laws or ordinances, the cost of the work shall not exceed 25% of the structure's fair market value, as determined by the Assessor at the time the work is done.

(Ord. 239, passed 3-5-2001, § 10.6) Penalty, see § 151.999

### **§ 151.191 USES ALLOWED AS CONDITIONAL APPROVAL USES, NOT NONCONFORMING USES.**

Any use for which conditional approval is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in the district.

(Ord. 239, passed 3-5-2001, § 10.7)

### **§ 151.192 CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of the nonconforming uses except in conformity with the provisions of this chapter.

(Ord. 239, passed 3-5-2001, § 10.8)

## **ZONING BOARD OF APPEALS**

### **§ 151.205 AUTHORITY.**

There is hereby established a Zoning Board of Appeals, the membership, powers, duties of which are prescribed in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Zoning Board of Appeals in addition to the general powers and duties conferred upon it by the Act, in specific cases and subject to appropriate conditions and safeguards, shall have the power to interpret, vary and determine the application of this chapter so that the purposes and intent of this chapter are met and substantial justice is maintained.

(Ord. 239, passed 3-5-2001, § 11.1; Am. Ord. 278, passed 9-19-2011)

#### **§ 151.206 MEMBERSHIP.**

The Village Council shall act as the Zoning Board of Appeals.

(Ord. 239, passed 3-5-2001, § 11.2)

#### **§ 151.207 MEETINGS.**

(A) All decisions of the Zoning Board of Appeals shall be made at a meeting open to the public. All deliberations of the Zoning Board of Appeals constituting a quorum of its member shall take place at a meeting open to the public except as provided in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L.A. §§ 15.261 - 15.275, as amended.

(B) A majority of the members of the Zoning Board of Appeals shall constitute a quorum for purposes of transacting the business of the Zoning Board of Appeals and the Open Meetings Act, Public Act 267 of 1976, being M.C.L.A. §§ 15.261 - 15.275, as amended. Each member of the Zoning Board of Appeals shall have 1 vote.

(C) Regular meetings of the Zoning Board of Appeals shall be called as needed in response to receipt of a notice of appeal, so long as the meeting is scheduled within 20 days of the notice of appeal. The meeting can be called by the Zoning Administrator, the Chair of the Zoning Board of Appeals, or, in his or her absence, the Vice-Chair. Public notice of the date, time, and place of a public meeting of the Zoning Board of Appeals shall be given in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, M.C.L.A. §§ 125.3101 *et seq.*

(D) The business of the Zoning Board of Appeals shall be conducted in accordance with its adopted bylaws.

(E) The Chair, or in his or her absence, Vice-Chair may administer oaths and compel the attendance of witnesses.

(Ord. 239, passed 3-5-2001, § 11.3; Am. Ord. 278, passed 9-19-2011)

#### **§ 151.208 POWERS AND DUTIES.**

(A) *Generally.* The Board has the power to act on matters as provided in this chapter and by the Michigan Zoning Enabling Act, Public Act 110 of 2006. The specific powers of the Board are enumerated in the following provisions of §§ 151.205 *et seq.*

(B) *Voting.*

(1) The concurring vote of a majority of the members of the Board shall be necessary to reverse an order, requirements, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of 2/3 of the members of the Board shall be necessary to grant a variance from uses of land permitted in an ordinance.

(2) A member shall be disqualified from a vote in which there is a conflict of interest. Failure of a member to disclose a conflict of interest and be disqualified from a vote shall constitute misconduct in office.

(C) *Administrative review.* The Board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or other duly authorized enforcing agent, in enforcing any provision of this chapter.

(D) *Interpretation.*

(1) The Board shall hear and decide requests for interpretation of this chapter or the Zoning Map taking into consideration the intent and purpose of this chapter and the general development plan.

(2) (a) A record shall be kept by the Board of all decisions for interpretation of this chapter or Zoning Map and land uses which are approved under the terms of this section.

(b) The Board shall request the Planning Commission to review any ordinance amendment it deems necessary.

(E) *Variances.* Upon an appeal, the Board is authorized to grant a variance from the strict provisions of this chapter, whereby extraordinary or exceptional conditions of the 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 the property, provided the relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the Board may attach thereto the conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. Further, in granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance as outlined below. When granting any variance, the Board must ensure that the spirit of this chapter is observed, public safety secured, and substantial justice done.

(1) *Use variance.* A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. The applicant must present evidence to show that, if this chapter is applied strictly, unnecessary hardship to the applicant will result, and that all 4 of the following requirements are met:

(a) That the property could not be reasonably used for the purposes permitted in that zone;

(b) That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;

(c) That the use requested by the variance would not alter the essential character of the area; and

(d) That the alleged hardship has not been created by any person presently having an interest in the property.

(2) *Nonuse or area variance.* A nonuse or area variance is a variance from any dimensional standard or requirement of this chapter, such as, but not limited to, a deviation from density, height, bulk, setback, parking, landscaping and signage standards and requirements. The applicant must present evidence to show that if this chapter is applied strictly, practical difficulties will result to the applicant and:

(a) That the chapter restrictions unreasonably prevent the owner from using the property for a permitted purpose;

(b) That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;

(c) That the plight of the landowner is due to the unique circumstances of the property; and

(d) That the alleged hardship has not been created by any person presently having an interest in the property.

(Ord. 239, passed 3-5-2001, § 11.4; Am. Ord. 278, passed 9-19-2011)

#### **§ 151.209 PROCEDURE FOR APPEAL.**

(A) An applicant requesting any action by the Board shall commence the request by filing a notice of appeal, on the form supplied by the village, accompanied by the appeal fee as determined by the Village Council, and all plans, studies, and any other information and data as applicable, all of which shall be made a part of the record.

(B) Every appeal from a determination of the Zoning Administrator or other duly authorized enforcing agent shall be made by the applicant within 30 days of the date of the order issuance or refusal to issue permit, requirement, or refusal.

(C) The Board shall fix a time for a hearing on the appeal, and shall notify the applicant of the time and place of the hearing. Notice of all public hearings conducted by the Board shall appear in a newspaper of general circulation in the village in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, M.C.L.A. §§ 125.3101 *et seq.* not less than 15 days prior to the hearing where the appeal pertains to a specific parcel(s) of property. Notice of the public hearings shall be sent to the persons to whom real property is assessed and to the occupants of all structures within 300 feet of the boundaries of the property in question. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term occupant may be used.

(D) Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Board of Appeals.

(E) The Board shall not decide an appeal until after a public hearing.

(F) The Board may reverse, affirm, vary, or modify, any order, requirement, or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

(G) The Board may impose conditions with any decision. The conditions imposed shall meet all of the following requirements:

(1) Be designed to protect natural resources, public 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; and

(3) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards. Violations of any of these conditions shall be deemed a violation of this chapter, enforceable as such, and/or may be grounds for revocation or reversal of the decision.

(H) All decisions of the Board shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the Board. The applicant shall be advised of the decision after the public hearing unless the Board moves for a continuation of the hearing.

(I) Any decision of the Board favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.

(J) The Board may reconsider an earlier decision if, in the opinion of the Board, circumstances justify taking the action.

(K) (1) No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period of longer than 1 year, unless a building permit for the erection or alteration is obtained within the period, and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

(2) No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than 1 year, unless the use is established within the period; provided, however, that the order shall continue in force and effect if a building permit for the erection or alteration is obtained within the period, and the erection or alteration is started and proceeds to completion in accordance with the permit.

(L) (1) Any person or persons or any board or department of the village having an interest affected by a decision of the Board shall have the right to appeal to the circuit court and in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, M.C.L.A. §§ 125.3101 *et seq.* on questions of law and fact.

(2) The appeal must be taken within 21 days after the date of the Board's decision.

(3) A request for reconsideration under division (J) above shall not toll the time for taking the appeal.

(4) In the event a request for reconsideration is granted, the time period for appeal shall commence from the approval the minutes of the meeting where the appeal was reconsidered.

(5) In any event, only 1 request for reconsideration on each appeal shall be allowed.

(Ord. 239, passed 3-5-2001, § 11.5; Am. Ord. 278, passed 9-19-2011)

## **REZONING AND ZONING ORDINANCE TEXT AMENDMENTS**

### **§ 151.220 INITIATION OF REZONING AND ZONING ORDINANCE TEXT AMENDMENTS.**

*Zoning amendment initiation.* An amendment to the zoning district boundaries contained on the official zoning map (rezoning) and to the text of this chapter may be initiated by the Village Council or the Planning Commission. An amendment to the zoning district boundaries may also be initiated by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this chapter may also be initiated by petition of 1 or more residents or property owners of the village.

(Ord. 253, passed 12-19-2005, § 13.1)

### **§ 151.221 REZONING AND ZONING ORDINANCE TEXT AMENDMENT APPLICATION PROCEDURE.**

(A) *Application information for amendments.* An amendment to the official zoning map or this chapter, except those initiated by the Village Council or Planning Commission, shall be initiated by submission of a complete application on a form supplied by the village, including an application fee, which shall be established from time to time by resolution of the Village Council. The application shall explicitly describe the proposed amendment and shall be signed by the applicant.

(B) *Application information for zoning map amendment.* In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application.

(1) Information to indicate the dimensions, location and size of the subject property, such as a sketch plan, property identification number, a legal description, street address of the subject property, a map identifying the subject property in relation to surrounding properties, or other method required by the Planning Commission.

(2) The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.

(3) The existing and proposed zoning district designation of the subject property.

(4) A written description of how the requested rezoning meets §151.223, Criteria for Amendment of the Official Zoning Map (Rezoning).

(5) At the Planning Commission's discretion, the following additional information may be required.

(a) A site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight-distance limitations, and relationship to other developed sites and access points in the vicinity.

(b) A conceptual plot plan to scale, demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site-design factors.

(c) A traffic impact analysis if any use permitted in the requested zoning district could generate 100 or more peak-hour directional trips, or 1,000 or more vehicle trips per day. The traffic study should contrast the daily and peak-hour, trip-generation rates for representative uses in the current and requested zoning district. The determination of representative uses shall be made by the Planning Commission, with input from village staff and consultants.

(d) The site to be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.

(Ord. 253, passed 12-19-2005, § 13.02)

### **§ 151.222 REZONING AND ZONING ORDINANCE AMENDMENT PROCESS.**

(A) *Public hearing.* Upon initiation of a rezoning, Zoning Ordinance text amendment or Master Plan amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by 1 publication in a newspaper of general circulation in the village, not less than 15 days before the date of the hearing, and in accordance with the provisions of the City and Village Zoning Act, as amended.

(B) *Planning Commission review and recommendation.* Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings and recommendation to the Village Council. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in § 151.223 in making its finding and recommendation.

(C) *Village Council review and action.* Following receipt of the findings and recommendation of the Planning Commission, the Village Council shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this Zoning Ordinance, the Village Council may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the official zoning map (rezoning), the Village Council shall approve or deny the amendment, which may be based on consideration of the criteria contained in § 151.223.

(D) *Notice of adoption.* Following adoption of a zoning text or map amendment by the Village Council, a notice will be published in accordance with the City and Village Zoning Act, as amended.

(E) *Resubmittal.* No petition for rezoning or Zoning Ordinance text amendment that has been denied by the Village Council shall be resubmitted for a period of 1 year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

(Ord. 253, passed 12-19-2005, § 13.03)

### **§ 151.223 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP (REZONING).**

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission and the Village Council shall consider the following criteria in making its findings, recommendations and decision.

(A) Consistency with the goals, policies and Future Land Use Map of the Master Plan, including all applicable sub-area and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

(B) Compatibility of the site's physical, geological, hydrological and other environmental features, with the potential uses allowed in the proposed zoning district.

(C) Evidence the applicant cannot receive a reasonable return on investment through developing the property with 1 of the uses permitted under the current zoning.

(D) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(E) The capacity of village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the village;

(F) The apparent demand for the types of uses permitted in the requested zoning district in the village in relation to the amount of land in the village currently zoned to accommodate the demand.

(G) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

(Ord. 253, passed 12-19-2005, § 13.04)

### **§ 151.224 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING ORDINANCE TEXT.**

The Planning Commission and Village Council shall, at minimum, consider the following before taking action on any proposed amendment.

(A) Compatibility with the basic intent and purpose of the Zoning Ordinance.

(B) Consistency with the goals and objectives and future land use map of the Master Plan, including any sub-area or corridor studies.

(C) The requested amendment will correct an error in current appropriate documentation.

(D) The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges.

- (E) The requested amendment will not result in unlawful exclusionary zoning.
- (F) There is documentation from village staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the ordinance.
- (G) The requested amendment will address changes in state legislation, other village ordinances, or federal regulations.
- (H) The requested amendment will resolve potential legal issues or administrative problems with

the Zoning Ordinance, based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

(Ord. 253, passed 12-19-2005, § 13.05)

**§ 151.225 CONDITIONAL REZONING OF LAND.**

As an alternative to a rezoning amendment as described in §151.220, the village may allow conditional rezoning to help ensure the proper use of land and natural resources, and to allow for a more flexible approach to the rezoning process in accordance with state law. It is recognized that, in certain instances, it would be an advantage to both the village and petitioners seeking rezoning of land, if a site plan, along with conditions and limitations that may be relied upon by the village, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- (A) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to §51.221.
- (B) In addition to the procedures as noted in §151.221, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
  - (1) A conditional rezoning request must be voluntarily offered by an owner of land within the village. All offers must be made in writing, and must provide the specific conditions to be considered by the village as a part of the rezoning request. All offers shall be in the form of a written agreement, approvable by the village and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
  - (2) Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
  - (3) Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, and the like. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of § 151.208.
  - (4) Conditional rezoning shall not grant conditional land use approval. The process for review and approval of conditional land uses must follow the provisions of §51.022.
  - (5) All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
  - (6) In addition to the informational requirements provided for in §151.221, the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this section, which may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the village. A conditional rezoning site plan shall not replace the requirement under this section for site plan review and approval, or subdivision or site condominium approval, as the case may be.
- (C) *Time limits and reversion of land to previous district.*
  - (1) If the proposed conditions of rezoning are acceptable to the village, the village may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification, unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in §§ 151.220et seq.
  - (2) Unless a reversion of the zoning takes place as described in the division (C)(1) above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
  - (3) Upon approval of a conditional rezoning, a copy of the written agreement between the property owner and village shall be filed with the Washtenaw County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the village.
  - (4) The village may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
  - (5) The time limits specified and approved by the village may be extended upon the application of the landowner and approval of the village.
- (D) *Review procedures.* The factors found in § 151.223 section must be considered in any conditional rezoning request.
- (E) *Amendments required to conform to court decree.* Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Village Council and published, without necessity of a public hearing.

(Ord. 254, passed 2-20-2006, § 13.6)

**§ 151.999 PENALTY.**

Uses of land, buildings, or structures, including tents and mobile homes, erected, altered, razed, or converted in violation of this chapter are hereby declared to be nuisances per se. The court shall order the nuisance abated and the owner and/or agent in charge of the dwelling, building, structure, tent, mobile home, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating any of the provisions of this chapter shall upon conviction thereof be subject to a fine of not more than as per Council resolution and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed 30 days, or both. Each day that a violation is permitted to exist from the time of formal citation by the village shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. 239, passed 3-5-2001, § 3.9)

**APPENDIX A: ZONING TERMS**

- Figure 1  
[\[Click here to view a PDF of the image\]](#)
- Figure 2  
[\[Click here to view a PDF of the image\]](#)
- Figure 3  
[\[Click here to view a PDF of the image\]](#)
- Figure 4  
[\[Click here to view a PDF of the image\]](#)

(Ord. 239, passed 3-5-2001, § 2.2)

**APPENDIX B: SCHEDULE OF AREA, HEIGHT, WIDTH, AND SETBACK REGULATIONS**

Zoning District	Minimum Lot Size		Maximum Building Height Space		Minimum Yard Setback			Maximum Lot Coverage
Zoning District	Minimum Lot Size		Maximum Building Height Space		Minimum Yard Setback			Maximum Lot Coverage
	Area (square feet)	Lot width (feet)	Stories	Feet	Front (feet)	Side (Least (feet), Total (feet))	Rear (feet)	
Agriculture, AG (see A, E, F, and H below)	1 acre	150	2 1/2	35 (75 farm buildings)	50	20 25	50	10%
Single-Family Residential, Low Density, R-1A (see A, E, F, and H below)	1 acre	100	2 1/2	35	25	10 25	35	25%
Single-Family Residential, Medium Density, R-1B (see A, E, F, and H below)	13,000	90	2 1/2	35	25	8 23	35	30%
Multiple-Family Residential, Low Density, R-2 (see A, B, D, E, and H below)	SF: 13,000	90	2 1/2	35	25	8 20	35	30%
	2F: 20,000	120	2 1/2	35	25	8 20	35	
	MF: 20,000	120	2 1/2	35	35	10 25	35	
Multiple-Family Residential, Medium Density, R-	SF: 13,000	90	2 1/2	35	25	8 20	35	
	2F: 20,000	120	2 1/2	35	25	8 20	35	



3 (see A, C, D, E, F, and G below)	MF: 5 acres	300	2 1/2	35	50	20	50	50	35%																																								
Mobile Home Park, MHP (see A and E below)	10 acres	See § 151.071	2 1/2	35	See § 151.071																																												
Office Service, OS (see A and E below)	5,000	50	21/2	35	25	10	20	15	30%																																								
General Commercial, C-2 (see A and E below)	20,000	100	2 1/2	35	35	10	20	35	25%																																								
Central Business District, CBD (see A, E, and G below)	-	-	3	45	-	-	-	-	-																																								
Limited Industrial, I- 1 (see A and E below)	1 acre	150	2	40	50	50	100	35	30%																																								
General Industrial, I-2 (see A and E below)	3 acres	200	2	40	85	50	100	50	25%																																								
NOTES TO TABLE:																																																	
SF: - Single-Family Dwellings 2F: - 2-Family Dwellings MF: - Multiple-Family Dwellings A - All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system. B - Every lot or parcel of land occupied by a low density multiple-family structure shall contain a minimum of 20,000 square feet and a total area of not less than the following: <table border="0"> <tr> <td><u>Unit Type</u></td> <td><u>Lot Area/Dwelling Unit</u></td> </tr> <tr> <td>Efficiency</td> <td>4,800 square feet</td> </tr> <tr> <td>1 bedroom</td> <td>6,000 square feet</td> </tr> <tr> <td>2 bedrooms</td> <td>6,700 square feet</td> </tr> <tr> <td>Every additional bedroom</td> <td>1,300 square feet</td> </tr> </table> C - Every lot or parcel of land occupied by a medium density multiple-family dwelling structure shall contain a minimum area of 5 acres and a total area of not less than the following: <table border="0"> <tr> <td><u>Unit Type</u></td> <td><u>Lot Area/Dwelling Unit</u></td> </tr> <tr> <td>Efficiency</td> <td>1,900 square feet</td> </tr> <tr> <td>1 bedroom</td> <td>2,300 square feet</td> </tr> <tr> <td>2 bedrooms</td> <td>3,000 square feet</td> </tr> <tr> <td>Every additional bedroom</td> <td>700 square feet</td> </tr> </table> D - In addition to the required setbacks from property boundaries, the following minimum distances shall be required between each multiple family structure: (a) Where buildings are front to front or front to rear, 3 times the height of the taller building, and not less than 70 feet; (b) Where buildings are side to side, 1.5 times the height of the taller building, but not less than 20 feet; and (c) Where buildings are front to side, rear to side, or rear to rear, 2 times the height of the taller building but not less than 35 feet. In applying the above standards, the front of the building shall mean that the face of the building having greatest length and contains the primary entrance to the building; the rear is that face opposite the front. The side is the face having the smallest dimension. E - The minimum distance of any principal building from the ordinary high water mark shall be 50 feet. F - Driveways to single-family dwellings shall be located in the greater side yard setback. G - Any structure located within the CBD which abuts a dwelling located within the AG, R-1A, or R-1B District shall have a minimum setback from the common property line of 10 feet. H - The minimum floor area of dwelling units shall be as follows: <table border="0"> <tr> <td><u>Type of Dwelling</u></td> <td><u>Total Usable Floor Area (square feet)</u></td> </tr> <tr> <td>1-family</td> <td>1,000</td> </tr> <tr> <td>2-family, per dwelling unit</td> <td>800</td> </tr> <tr> <td>Multiple-family:</td> <td></td> </tr> <tr> <td>Efficiency Unit</td> <td>500</td> </tr> <tr> <td>1 bedroom unit</td> <td>700</td> </tr> <tr> <td>2 bedroom units</td> <td>900</td> </tr> <tr> <td>3 bedroom units</td> <td>1,100</td> </tr> <tr> <td>4 bedroom units</td> <td>1,300</td> </tr> <tr> <td>Each additional bedroom</td> <td>90</td> </tr> </table>										<u>Unit Type</u>	<u>Lot Area/Dwelling Unit</u>	Efficiency	4,800 square feet	1 bedroom	6,000 square feet	2 bedrooms	6,700 square feet	Every additional bedroom	1,300 square feet	<u>Unit Type</u>	<u>Lot Area/Dwelling Unit</u>	Efficiency	1,900 square feet	1 bedroom	2,300 square feet	2 bedrooms	3,000 square feet	Every additional bedroom	700 square feet	<u>Type of Dwelling</u>	<u>Total Usable Floor Area (square feet)</u>	1-family	1,000	2-family, per dwelling unit	800	Multiple-family:		Efficiency Unit	500	1 bedroom unit	700	2 bedroom units	900	3 bedroom units	1,100	4 bedroom units	1,300	Each additional bedroom	90
<u>Unit Type</u>	<u>Lot Area/Dwelling Unit</u>																																																
Efficiency	4,800 square feet																																																
1 bedroom	6,000 square feet																																																
2 bedrooms	6,700 square feet																																																
Every additional bedroom	1,300 square feet																																																
<u>Unit Type</u>	<u>Lot Area/Dwelling Unit</u>																																																
Efficiency	1,900 square feet																																																
1 bedroom	2,300 square feet																																																
2 bedrooms	3,000 square feet																																																
Every additional bedroom	700 square feet																																																
<u>Type of Dwelling</u>	<u>Total Usable Floor Area (square feet)</u>																																																
1-family	1,000																																																
2-family, per dwelling unit	800																																																
Multiple-family:																																																	
Efficiency Unit	500																																																
1 bedroom unit	700																																																
2 bedroom units	900																																																
3 bedroom units	1,100																																																
4 bedroom units	1,300																																																
Each additional bedroom	90																																																

(Ord. 239, passed 3-5-2001, § 4.5)