

## **CHAPTER 152: ZONING CODE**

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**GENERAL PROVISIONS**

**§ 152.001 ENACTING CLAUSE.**

An ordinance adopted under authority of, and in accordance with the provisions of P.A. 110 of 2006, the Michigan Zoning Enabling Act, as amended, to establish comprehensive zoning regulations for the Village of Parma, Jackson County, Michigan, and to provide for the administration, enforcement, and amendment thereof, and the repeal of all ordinances in conflict herewith.  
(Ord. passed - -)

**§ 152.002 TITLE.**

This chapter shall be known and may be cited as “The Zoning Ordinance of the Village of Parma.” The zoning map referred to herein is entitled “Zoning Map, Village of Parma.”  
(Ord. passed - -)

**§ 152.003 PURPOSE.**

This chapter has been established for the purpose of:

(A) Promoting and protecting the public health, safety, and general welfare;

(B) Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of the areas;

(C) Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;

(D) Lessening and avoiding congestion on public highways and streets;

(E) Providing for the needs of residence, recreation, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of, among other things, the general and appropriate trend and character of the land, building, and population development as studied and recommended by the Village Planning Commission and approved by the Village Council;

(F) Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within a specified zoning district;

(G) Conserving the taxable value of land and structures;

(H) Conserving the expenditure of funds for public improvements and services;

(I) Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;

(J) Providing for the completion, restoration, reconstruction, extension, or substitution of non-conforming uses.  
(Ord. passed - -)

#### **§ 152.004 SCOPE.**

(A) Every building and structure erected; every use of any lot, building, or structure established; every structural alteration or relocation of an existing building or structure; and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this chapter shall be subject to all regulations of this chapter which are applicable in the zoning district in which the building, structure, or lot is located.

(B) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter, provided that construction shall be completed within 365 days of the effective date and be subject thereafter to the provisions of Appendix A.

(C) The adoption of this chapter shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date or adoption or amendment of this chapter even though the building or structure does not conform to the provisions of this chapter, provided that the work shall commence and be carried on within 30 days of obtaining the permit and be subject thereafter to the provisions of Appendix A.  
(Ord. passed - -)

#### **§ 152.005 APPLICATION OF REGULATIONS.**

The regulations established by this chapter within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare. The establishment of higher or more restrictive standards or requirements for the authorization of any special use permit, where the higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this chapter, shall be permitted in accordance with the provisions of this chapter in §§ 152.160 through 152.174.

(Ord. passed - -)

### § 152.006 UNDEFINED TERMS.

Any term not defined herein shall have the meaning of common or standard use.  
(Ord. passed - -)

### § 152.007 DEFINITIONS.

(A) *Generally.* This section of the chapter exists to define terms that may be referred to in other sections of this chapter. A definition shall not be interpreted as an ordinance.

(B) *Interpretation.* For the purpose of this chapter, certain terms or words shall be interpreted as follows:

(1) The word “person” includes a firm, association, organization, partnership, trust, corporation, company, or individual.

(2) The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

(3) The word “shall” is mandatory, the word “may” is permissive. The words “used” or “occupied” shall refer also to the words “intended”, “designed”, or “arranged.”

(4) Words in the masculine gender include the feminine and neuter.

(5) The word “lot” includes the words “plot” or “parcel.”

(6) Any word or term not defined herein shall have the meaning of common or standard use that is reasonable for the context in which used herein.

(C) *Definitions.*

**ACCESSORY STRUCTURE, BUILDING or USE.** A detached structure, building, or use on the same lot with, with the area of the structure, building, or use greater than 200 square feet and of a nature customarily incidental and subordinate to the principal structure, building, or use. See also the definition of **STORAGE BUILDING** in this division.

**ALLEY.** A public or private right-of-way not more than 33 feet wide which is not designed for general travel and affords only a secondary means of access to abutting property.

**ALTERATION.** Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists; any addition that will attach to the structure.

**APARTMENT.** A dwelling unit in a two-family or multiple-family building arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.

**AUTOMOBILE SERVICE STATION.** Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles,

including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

***BASEMENT.*** A story of a building having more than one-half of its height below grade.

***BED AND BREAKFAST ESTABLISHMENT.*** A single-family residential structure that provides sleeping rooms and limited breakfast meals on a short term basis to its transient guests in return for payment. The bed and breakfast use shall be subordinate to the principal use of the building as a single-family dwelling. See §§ 152.070 through 152.094.

***BILLBOARD (OUTDOOR ADVERTISING SIGNS).*** See § 152.117 of this chapter.

***BOARDING HOUSE or ROOMING HOUSE.*** A dwelling where meals and/or lodging are provided to persons by prearrangement for definite periods of time in exchange for compensation.

***BODY OF WATER.*** Any water-way or any body of water having well defined banks, including rivers, streams, creeks, and brooks, whether continuing or intermittently flowing, and lakes and ponds. The boundary of a body of water shall be determined by a reference to the ordinary high water mark of the body of water established by reference to the United States Geodesic Datum, Jackson County Drain Commissioner's Records, natural vegetation, and any other historical reference.

***BUILDING.*** An enclosed structure having a roof supported by columns, walls, or other devices and all other permanently attached structures used for the housing, shelter, or enclosure of persons, animals, or chattels.

***BUILDING HEIGHT.*** The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs. See Appendix B.

***BUILDING, PRINCIPAL.*** A building which houses the main use or uses of the lot on which the building is located.

***BUILDING SETBACK LINE.*** A line parallel to or concentric with property line delineating the minimum allowable distance between the street right-of-way and the front of any building.

***CEMETERY.*** Land used or intended to be used for burial of the human dead and dedicated for such purposes. ***CEMETERIES*** include accessory columbaria and mausoleums, but exclude crematories.

***CENTRAL SANITARY SEWAGE SYSTEM.*** A sanitary sewage system furnished from a central location or plant, but not including septic tanks, by any person, firm, corporation, municipal department, or board duly authorized to furnish such a system, in accordance with federal, state, or local regulations.

***CENTRAL WATER SYSTEM.*** A water supply system furnished from a central location or plant by any person, firm, corporation, municipal department, or board duly authorized to furnish such a system, in accordance with federal, state, or local regulations.

***CLINIC.*** An establishment where human patients are examined and treated by one or more



physicians, dentists, or similar licensed professions. A **CLINIC** shall not include overnight room or boarding facilities.

**COMMERCIAL TRAILER.** A trailer or vehicle without motive power designed to be drawn by a motor vehicle or commercial vehicle, and constructed or used for transportation of goods, materials or merchandise.

**COMMERCIAL VEHICLE.** Any motor vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, materials or merchandise, or which is designed or used for towing other trailers or vehicles.

**DAY-CARE FACILITY.** A facility for the care of children under 18 years of age, as licensed and regulated by the state under Public Act 116 of 1973 and the associated rules of the State Department of Human Services. The following definitions shall also apply in the application of this chapter.

(a) **FAMILY DAY-CARE HOME.** A private home in which one but not more than six 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. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.

(b) **GROUP DAY-CARE HOME.** A private residence in which seven 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. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.

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

**DISTRICT.** A portion of the village within which certain uniform regulations and requirements apply under the provisions of this chapter.

**DRIVE-IN ESTABLISHMENT.** A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as limited seating within the building.

**DWELLING, MULTIPLE-FAMILY.** A building, not including a modular home or mobile home designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.

**DWELLING, SINGLE-FAMILY.** A detached building, including a manufactured home, pre-manufactured home, mobile home, or conventionally constructed home, designed for and occupied by one family only.

**DWELLING, TWO-FAMILY.** A detached building, not including a modular home or mobile home, with two dwelling units designed for or occupied by two families living independently of each other with separate housekeeping and cooking facilities for each.

**DWELLING UNIT.** One room or rooms connected together, constituting a separate,

independent housekeeping unit for owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which might be located within the same structure. A **DWELLING UNIT** shall contain independent kitchen, bathroom, sleeping, and living facilities, and shall be designed for an occupied by one family only.

**EASEMENT.** Any private or dedicated public way other than a street or alley which provides a secondary means of access to a property and having a width of not less than 20 feet.

**ESSENTIAL SERVICES.** The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, dams, wires, culverts, bridges, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs, fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare. Buildings, cellular or radio towers, or maintenance depots shall not be deemed essential services for the purpose of this chapter.

**FAMILY.**

(a) An individual or group of two or more persons related by blood, marriage adoption, together with foster children and domestic employees with not more than one additional unrelated person living together as a single housekeeping unit.

(b) Not more than two persons living together as a single housekeeping unit who are not related by blood, marriage or adoption.

**FENCE.** Any constructed or planted barrier or structure of any material, or combination of materials, or gate or berm erected as a dividing marker, barrier, or enclosure on any parcel or lot within the village limits.

**HOME OCCUPATION.** An occupation, profession, activity, or use that is clearly customary, incidental, and secondary to the use of a dwelling unit for residential purposes. The use of a dwelling for a home occupation shall not alter the exterior of the property or affect the residential character of the neighborhood.

**HOTEL/MOTEL.** A building containing guest rooms in which lodging is provided, with or without meals, in exchange for compensation, which is open to transient or permanent guests, or both, with no provision is made for cooking in any guest room.

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

**KENNEL (COMMERCIAL).** Any lot or premises on which three or more dogs, four months old or more, are confined either permanently or temporarily. Household pets do not constitute a commercial kennel.

**LOT.** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. The lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a recorded parcel of land described by metes and bounds.

**LOT AREA.** The area within the lot lines, but excluding that portion in a road or street right-of-way. A **LOT AREA** shall not include any land in a stream, wetland or covered by a body of water.

**LOT, CORNER (CORNER LOT).** A parcel of land at the junction of, and fronting or abutting on, two or more intersecting streets.

**LOT COVERAGE.** The ground floor area of all buildings on the lot, divided by the lot area (mathematical equation).

**LOT DEPTH.** The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

**LOT LINE, FRONT.** That part of the lot which coincides with the street right-of-way line.

**LOT OF RECORD.** A lot which is part of a subdivision and is shown on a map which has been recorded in the Office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in the office.

**LOT, THROUGH (DOUBLE FRONTAGE).** An interior lot having frontage on two parallel or approximately parallel streets.

**LOT WIDTH.** The width of the lot measured at the required front yard setback line.

**MANUFACTURED HOME.** An off-site constructed single-family dwelling that is transportable in one or more sections which is built and remains on a permanent chassis, but installed on a permanent foundation.

**MOBILE HOME.** A detached, portable, single-family dwelling, prefabricated on its own chassis as one self-contained unit and intended for long-term occupancy. The unit contains sleeping accommodations, flush toilet, 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 connected to utilities. Definition of a **MOBILE HOME** does not include a recreational vehicle.

**MOBILE HOME PARK.** A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis, prepared and approved according to the procedures in this chapter and state law to accommodate mobile homes on rented or leased lots.

**MODULAR HOME.** A dwelling unit consisting of two or more sections built to a nationally recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) or its successor consisting of components substantially built and assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. The dwelling unit shall be inspected and certified at the factory that it meets the building construction standard. A **MODULAR HOME** shall not have its own running gear and on-site service connections and foundation shall be in accordance with the requirements of the state of Michigan Building Code.

**MOTEL.** See the definition of **HOTEL** in this division.

**OFF-STREET PARKING.** A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

**PARKING LOT.** An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

**RECREATIONAL VEHICLE.** A vehicle designed and intended for temporary occupancy during leisure time/recreational activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by a vehicle. The unit shall not exceed eight feet in width and shall not be designed or intended for full time residential occupancy. The term **RECREATIONAL VEHICLE** shall include among others the commonly named vehicles as travel trailer, camper, pick-up camper, tent camper, and motor home.

**ROADSIDE STAND.** A structure temporarily operated for the purpose of selling only produce. A **ROADSIDE STAND** shall not be deemed a commercial activity.

**SIGN.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; except, however, the following, which shall not be included in this definition:

(a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

(b) Flags and insignias of any government, except when displayed in connection with commercial promotion.

(c) Legal notices identification, information, or directional signs erected or required by governmental bodies.

(d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

(e) Signs not exceeding three square feet in area directing and guiding traffic and parking to private property, but bearing no advertising matter.

(f) Signs attached to a building or an integral part of a building, which identify that building or occupant.

(g) Temporary political campaign signs.

**SIGN AREA.** The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the area.

**SIGN, ON-SITE.** A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

**SITE PLAN.** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all building, structures, uses and principal site development features proposed for a specific parcel of land.

**SITE PLAN REVIEW.** A review by the Planning Commission of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

**SPECIAL USE.** A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design and location or relation to adjacent properties and to the neighborhood. **SPECIAL USE** requests require a Planning Commission hearing to determine viability within the village.

**STORAGE BUILDING.** A detached structure, building, or use on the same lot with, with the area of the structure, building, or use equal to or less than 200 square feet and of a nature customarily incidental and subordinate to the principal structure, building, or use. See also the definition of **ACCESSORY STRUCTURE**.

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

**STREET.** A public or private thoroughfare which affords the principle means of access to abutting property and having right-of-way not less than 66 feet in width.

**STRUCTURE (PERMANENT).** Anything constructed, erected, or placed with a fixed location on the surface of the ground, or attached to something having a fixed location on the ground. Among other things, this definition shall include buildings, mobile homes, walls, billboards, signs and towers.

**STRUCTURE (TEMPORARY).** A structure without any foundation or footing, often with open walls, such as party tents or screen tents erected for the purpose of providing temporary shelter for a limited, pre-determined amount of time, and removed at the end of the pre-determined time.

**VARIANCE.** A relaxation of regulations of the zoning ordinance with respect to a specific lot, where the variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the chapter would result in unnecessary hardship or practical difficulty.

**YARD, FRONT.** An open, unoccupied space extending the full width of the lot between the front lot line and the principal building on the lot.

**YARD, REAR.** An open, unoccupied space extending the full width of the lot between the rear line of the lot and the principal building on the lot.

**YARD, SIDE.** An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front lot line of the lot.  
(Ord. passed - -)

### ***DISTRICTS ESTABLISHED***

#### **§ 152.020 ESTABLISHED.**

The village is hereby divided into the following zoning districts:

- (A) RC-1: Recreation Open Space District;
- (B) RS-1: Suburban Residential District;
- (C) RM-1: Multiple-Family Residential District;
- (D) MH-1: Mobile Home Residential District;
- (E) C-1: Local Commercial District;
- (F) C-5: Central Business District;
- (G) I-1: Light Industrial District.

(Ord. passed - -)

#### **§ 152.021 OFFICIAL ZONING MAP.**

(A) The zoning districts as provided in § 152.020 , above, are bounded and defined on a map entitled “Official Zoning Map, Village of Parma, Jackson County, Michigan, dated August 28, 1980 (Effective)” which map, with all explanatory matter thereon, is hereby adopted as a part of this chapter. (July 28,1980).

(B) Identification of official zoning map: The official Zoning Map shall be identified by the signature of the Village President, attested by the Clerk. The official zoning map shall be located in the office of the Clerk and available for examination.

(Ord. passed - -)

#### **§ 152.022 INTERPRETATION OF DISTRICT BOUNDARIES.**

- (A) Except where specifically designated on the official zoning map, the zoning district

boundary lines are extended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-of-way lines, section lines, one-quarter-section lines, one-eighth-section lines, or a corporate limit line, all as they existed at the time of the enactment of this chapter, as subsequently modified and designated as the boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the official zoning map.

(B) When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

(Ord. passed - -)

### **§ 152.023 COMPLIANCE WITH REGULATIONS.**

(A) Every building and structure erected; every lot created; every use of any lot, building, or structure established; every structural alteration or relocation of an existing building or structure occurring; and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this chapter shall be subject to all regulations of this chapter which are applicable in the zoning district in which the building, structure, or lot is located.

(B) No yard or lot existing at the time of adoption of this chapter shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter.

(C) No part of a yard or other open space required for or in connection with any structure for the purpose of complying with this chapter shall be included as part of a yard or open space similarly required for any other structure.

(D) Areas used to satisfy required density, open space, yards and similar requirements shall be provided on the subject lot. In all zoning districts any area of a lake, pond or stream, or wetland shall not be used in computing the required minimum lot area.

(E) Setback requirements from streets shall be measured from the right-of-way line of a public street or alley or the easement line of a private road.

(Ord. passed - -)

### **§ 152.024 USE REGULATIONS.**

(A) No structure shall be constructed, erected, placed, or maintained, and no use shall be commenced or continued within the village, except as specifically or by necessary implication authorized by this chapter. Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited.

(B) A special use shall be permitted only if listed as a special use, either specifically or by necessary implication, in the zoning district in which the use is to be located, and only after a special use permit has been approved by the Planning Commission and the Village Council as provided herein. Continuation of a special use existing prior to the date of adoption or amendment of this chapter, expansion of a special use, or change of one special use to another special use shall be that permitted only in the procedures, requirements, and standards for such uses contained herein.

(C) Where a lot is devoted to a principle use, either permitted by right or as a special use, customary accessory uses and structures and uses are authorized except as prohibited specifically or by necessary implication.  
(Ord. passed - -)

#### **§ 152.025 YARD REQUIREMENTS.**

(A) All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three feet in length from the structural wall.

(B) Where a lot or parcel adjoin a lot or parcel in a more restrictive zone, any adjoining front, side or rear yard of the lot shall have a minimum width equal to the required yard in the more restrictive zone.  
(Ord. passed - -)

#### **§ 152.026 CORNER LOTS.**

A corner lot shall maintain front yard requirements for each street frontage.  
(Ord. passed - -)

#### **§ 152.027 LOT WIDTH.**

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of culs-de-sac, where 80% requirements shall not apply.  
(Ord. passed - -)

#### **§ 152.028 BUILDING OR STRUCTURE HEIGHT.**

No building or structure shall exceed a height of 40 feet except the detached accessory structures in any residential district, for which the maximum height shall be permitted in § 152.030 (accessory structures), below, and Appendix A. The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this chapter or any other applicable ordinances: parapet walls, chimneys, smokestacks, church spires, flag poles, radio and television towers and water tanks.  
(Ord. passed - -)

#### **§ 152.029 DISTANCE BETWEEN GROUPED BUILDINGS.**

In addition to the required setback lines provided elsewhere in this chapter, for group dwellings (including semi-detached and multiple dwellings) the following minimum distance shall be required between each building:

(A) Where buildings are front-to-front or front-to-rear, three times the height of the taller building, but not less than 70 feet.



(B) Where buildings are side to side, one times the height of the taller building but not less than 20 feet.

(C) Where buildings are front to side, rear to side, or rear to rear, two times the height of the taller building but not less than 45 feet.  
(Ord. passed - -)

### **§ 152.030 ACCESSORY BUILDINGS, STRUCTURES AND USES.**

(A) *Relation to a principle building.* No accessory structure may be placed on a lot that does not have a principal structure or a valid and current building permit for construction of a principal structure. Accessory buildings, structures and uses are permitted only on the same lot with a principal building, structure or use which is permitted in the particular zoning district and has received a certificate of occupancy. An accessory building or structure or use shall not be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

(B) *Permit required.* An accessory building shall require a zoning compliance permit and shall require a building permit, if required by the state construction code.

(C) *Restrictions in front yard.* An accessory building shall not be erected in any front yard.

(D) *Separation.* A detached accessory building or structure shall not be located closer than ten feet to any other building or structure.

(E) *Required setbacks, attached.* An accessory building or structure that is structurally attached to a principal building or structure shall be subject to all the regulations that apply to the principal building or structure of the district in which it is located.

(F) *Required setbacks, detached.* All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure except, however, the accessory structure may be placed not less than five feet from any rear lot line or the rear yard portion of any side lot line.

(G) *Maximum height.* The maximum building height of a detached accessory building in a residential zoning district shall be 25 feet.

(H) *Maximum size.* The combined total floor area of all accessory buildings in any residential district shall be a maximum of 900 square feet in area for lots less than two acres and 1,200 square feet in area for lots equal to or greater than two acres.

(I) *Restrictions on use.* Accessory buildings shall not be occupied for dwelling purposes or be used for any business profession, trade or occupation except for agricultural uses or home occupations. Accessory buildings used for home occupations shall not create an increase in commercial traffic in zoning district.

(J) *Appearance standards.* Accessory structures shall be subject to the appearance standards set forth in § 152.073, below.

(K) *Non-residential.* All accessory structures in non-residential districts shall be subject to the same standards and requirements that are required for all principal structures within the districts.

Trash enclosures abutting non-residential districts shall comply with the requirements in division (F) above.

(Ord. passed - -)

### **§ 152.031 STORAGE BUILDING, STRUCTURE AND USES.**

(A) *Relation to a principle building.* No storage building may be placed on a lot that does not have a principal structure or a valid and current building permit for construction of a principal structure. Storage buildings are permitted only on the same lot with a principal building, structure or use which is permitted in the particular zoning district and has received a certificate of occupancy. A storage building shall not be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

(B) *Permit required.* A storage building shall require a zoning compliance permit from the village.

(C) *Restrictions in front yard.* A storage building shall not be erected in any front yard.

(D) *Separation.* A storage building shall not be located closer than ten feet to any other building or structure. A storage building shall not be attached to a principal structure.

(E) *Required setbacks.* All storage buildings in any residential district shall be subject to the same dimensional requirements affecting the principal structure except, however, the storage building may be placed not less than five feet from any rear lot line or the rear yard portion of any side lot line.

(F) *Maximum height.* The maximum building height of a storage building in a residential zoning district shall be ten feet.

(G) *Appearance standards.* Storage buildings shall be subject to the appearance standards set forth in § 152.073, below.

(Ord. passed - -)

### **§ 152.032 ESSENTIAL SERVICES.**

(A) Nothing in this chapter shall prohibit the provision of essential services, provided the installation of the services does not violate any other applicable provision of this chapter.

(B) Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this chapter.

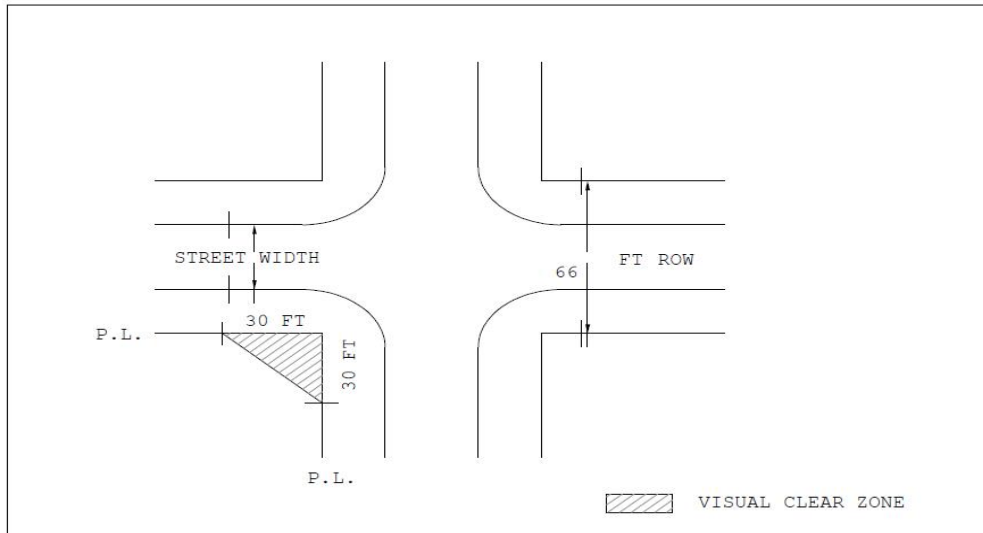
(Ord. passed - -)

**§ 152.033 ACCESS TO STREETS.**

In any district, every lot created after the effective date of this charter; and every use, building, or structure established after the effective date of this chapter shall be on a lot that adjoins either a public street or a private street that meets the requirements of the street ordinance of the village.  
(Ord. passed - -)

**§ 152.034 VISIBILITY AT INTERSECTIONS.**

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three feet and eight feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are 30 feet distant from the point of intersection, measured along the street right-of-way line. See diagram below:



(Ord.  
)

passed - -

**§ 152.035 CURB CUTS AND DRIVEWAYS.**

Curb cuts and driveways may be located only upon approval by the Planning Commission and Zoning Administrator in consultation with the D.P.W. Supervisor and other authorities as required by law; provided however, the approval shall not be given where the curb cuts and driveways shall unnecessarily increase traffic hazards. The driveway for a single- or two-family dwelling shall not occupy more than 35% of the total front yard area of a lot. The remaining 65% of the front yard area shall consist of living ground cover.  
(Ord. passed - -)

**§ 152.036 TEMPORARY USE.**

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Village Council based upon the finding that the location of such an activity will not adversely affect public health, safety, morals, and the general welfare.

(Ord. passed - -)

**§ 152.037 COMPLETION OF CONSTRUCTION.**

(A) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter, provided that construction shall be completed within 365 days of the effective date and be subject thereafter to the provisions of §§ 152.215 through 152.227, nonconformities, below.

(B) Adoption of this chapter shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this chapter even though the building or structure does not conform to the provisions of this chapter; provided that work shall commence and be carried on within 30 days of obtaining the permit and be subject thereafter to the provisions of §§ 152.215 through 152.227.

(Ord. passed - -)

***DISTRICT REGULATIONS***

**§ 152.050 GENERALLY.**

The intent, permitted uses, special uses, height, area, density, and sign regulations of each district are set forth in this subchapter.

(Ord. passed - -)

**§ 152.051 RECREATION OPEN SPACE DISTRICT (RC-1).**

The intent of this District is to set aside those lands which, because of their physical characteristics, would be suitable for recreation and open space use.

(A) *Permitted uses.*

- (1) Public or private forest preserve, game refuge, golf course and club, park, campground, playground, or other recreational purposes.
- (2) Public and private conservation area and structure for the development, protection and conservation of open space, wetlands, water, soil, forest, and wildlife resources.
- (3) A lot may be used to the raising or growing of plants, trees, shrubs, and nursery stock.
- (4) A lot may be used for the growing, stripping, and removal therefrom of sod provided that the lot or portion thereof shall be reseeded after stripping as to reduce the actual or potential erosion of soil by water or wind.
- (5) Essential services and structures of non-industrial character, but not including maintenance depots or warehouses.

(B) *Special uses.*

- (1) Single-family dwellings.
- (2) Commercially operated trails for use by ATVs or similar vehicles.
- (3) Amusement parks.
- (4) Campgrounds.

(Ord. passed - -)

**§ 152.052 RESIDENTIAL DISTRICTS.**

(A) *Purpose.* The Single-Family Residential District, and Multiple-Family Residential Districts are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designated to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

(B) *Single-Family Residential District (RS-1).* This District is designed to provide residential areas principally for moderate densities where necessary urban services and facilities, including central sewerage and water supply systems can be feasibly provided.

(1) *Permitted uses.*

- (a) Single-family detached dwellings.
- (b) On-site signs, only in accordance with the regulations in §§ 152.110 through 152.122.
- (c) Essential public services.
- (d) Accessory buildings, structures, and uses, in accordance with § 152.030.
- (e) Adult foster care family home (six or fewer adults being fostered 24 hours per day), foster family home (four or fewer foster-children 24 hours per day), foster family group home (five to six foster-children 24 hours per day), licensed by the Michigan Department of Human Services or its successor.
- (f) Home occupations in accordance with the regulations in § 152.070.
- (g) Sale of agricultural products, raised or grown on the lot, including roadside stands for the sales.
- (h) Public and private open space.

(2) *Special uses.*

- playfields.
- (a) Country clubs, recreation centers, public swimming pools, parks, playgrounds, and
  - (b) Churches and other buildings for religious worship.
  - (c) Public and private elementary and secondary non-profit schools.
  - (d) Essential service structures of a non-industrial character.
  - (e) Government or community-owned buildings.
  - (f) Golf courses, but not including golf driving ranges and miniature golf courses.
  - (g) Bed and breakfast operations in accordance with § 152.086, below.
  - (h) Group day-care homes (seven to 12 children less than 24 hours per day), subject to the conditions in § 152.077, below.
  - (i) Child care centers, subject to the conditions in § 152.077, below.

(3) *Area, yard, height and bulk regulations.* See Appendix A.

(C) *Multiple-Family Residential District (RM-1):* This District is designated to permit a high density of population and a high intensity of land use in those areas which are served by a central sanitary sewerage system, and which abut or are adjacent to such other uses or amenities which support, complement, or serve such a density and intensity.

(1) *Permitted uses.*

- (a) Multiple-family dwellings.
- (b) Two-family dwellings.
- (c) On-site signs in accordance with regulations in §§ 152.110 through 152.122, below.
- (d) Essential services.
- (e) Accessory uses or structures in accordance with regulations in § 152.030.
- (f) Adult foster care family home (six or fewer adults being fostered), foster family home (four or fewer foster-children 24 hours per day), foster family group home (five to six foster-children 24 hours per day), licensed by the Michigan Department of Human Services or its successor.

(2) *Special uses.*

- (a) Single-family detached and attached dwellings.
- (b) Public swimming pools, parks, playgrounds, and playfields.

- (c) Churches and other buildings for religious worship.
  - (d) Public and private elementary and secondary non-profit schools.
  - (e) Essential service structures of a non-industrial character.
  - (f) Boarding and rooming houses.
  - (g) Government or community-owned buildings.
  - (h) Funeral homes and mortuary establishments, not including crematoriums.
  - (i) Adult foster care small group home (12 or fewer adults being fostered), adult foster care large group home (13 to 20 adults being fostered). There shall be provided 16,000 square feet of lot area for the first eight residents, and 1,450 square feet of lot area for each additional resident, subject to the regulations in § 152.076, below.
  - (j) Group day-care home (seven to 12 children less than 24 hours per day), subject to the conditions in §152.077, below.
  - (k) Child care centers, subject to the conditions in §152.077, below.
  - (l) Bed and breakfast operations in accordance with § 152.086, below.
- (3) *Area, yard, height, and bulk regulations.* See Appendix A.  
(Ord. passed - -)

### **§ 152.053 COMMERCIAL DISTRICTS.**

(A) *Neighborhood Commercial District.* The Neighborhood Commercial District is designated to permit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The Commercial District is designed to regulate the location of these business uses according to a well-considered plan which determined the types of the uses and the intensity of land, street and highway use in each such district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agriculture, residential, or industrial use and to streets and highways. The purpose of each commercial district is further stated below.

(B) *Local Commercial District (C-1).* This District is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of neighborhood residents. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this District, have been excluded.

(1) *Permitted uses.*

(a) Personal services, including barber shops and beauty salons; medical and dental offices or clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.

offices. (b) Business services including banks, loan offices, real estate offices, and insurance

(c) Offices of an executive, administrative, or professional nature.

goods. (d) Retail sale of food, drugs, hardware, notions, books, and similar convenience

(e) Business schools; including dance schools, music schools, and art schools.

152.122, below. (f) On-site signs, only in accordance with the regulations in §§ 152.110 through

(g) Essential services and structures of a non-industrial character.

(h) Accessory uses and structures.

(i) Outdoor sales and display pursuant to § 152.088, below.

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(2) *Special uses.*

(a) Planned-commercial unit developments..

(b) Churches and other buildings for religious worship.

(c) Government or community owned buildings, but not including schools.

(d) Eating and drinking establishments, but not including drive-in types.

(e) Automobile service stations.

(f) Hotels and motels.

(g) Small animal clinics.

(h) Sale of new and used motor vehicles.

(i) Child care centers.

(j) ATM's (automatic teller machines) and 24-hour ready tellers which are separate from a financial institution.

(3) *Area, yard, height, and bulk regulations.* See Appendix A.

(C) *Neighborhood Commercial, Mixed Use District (CX1).*

(1) *Intent.* This District is intended to be used in that area of the village which has been designated as the Central Business District in the village's adopted comprehensive plan where municipal parking facilities are available within reasonable walking distances. The CX1 Neighborhood Commercial, Mixed Use District is intended to provide for a traditional mixture of small office buildings, specialty retail stores, entertainment, public spaces and related activities that are mutually supporting and serve the needs of the village and surrounding areas. The District



regulations are designed to encourage a lively social environment and economically viable downtown with a wide variety of uses, including residences in upper floors, in a pedestrian oriented setting, with common parking.

(2) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FLOOR AREA RATIO.** The ratio of a building's gross floor area to the area of the lot on which the building is located.

**GROSS FLOOR AREA.** The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. **GROSS FLOOR AREA** does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

**MIXED USE BUILDING.** A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

(3) *Permitted uses, residential.*

- (a) Artist live/work space located above the ground floor.
- (b) Dwelling units located above the ground floor

(4) *Permitted uses, civic and commercial.*

- (a) Any use permitted in the Local Commercial District (C-1).
- (b) Business schools; including dance schools, music schools, and art schools.
- (c) Colleges and universities.
- (d) Indoor retail sales establishments.
- (e) Establishments serving food and/or alcoholic beverages, but not including drive-in types or drive-up windows.
- (f) Clubs and lodges.
- (g) Photography studios.
- (h) Banquet, dance, lodge, and union halls private clubs, and other similar places of assembly.
- (i) On-site signs in accordance with the regulations in §§ 152.110 through 152.122, below.

(j) Accessory uses or structures, including seasonal outdoor displays and sales subject to § 152.088, below.

(k) Essential services and structures of a nonindustrial character.

(5) *Special uses.*

(a) Retail sales in which both a workshop and a retail outlet or showroom are required such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, home appliance and similar establishments of similar character subject to the provision that not more than 50% of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities.

(b) Hotels.

(c) Drive-up windows for financial institutions when the use does not create any traffic or safety problems. ATM's (automatic teller machines) and 24-hour ready tellers which are separate from a financial institution are permitted.

(d) Churches and other buildings for religious worship.

(e) Automobile service stations, subject to the following:

1. The curb cuts for ingress and egress may not be permitted at the location that will tend to create traffic hazards in the streets immediately adjacent thereto. The curb cuts shall be no less than 25 feet from a street intersection (measured from the right-of-way).

2. There shall be provided, on those sides abutting a residential district, a completely obscuring wall.

(f) Showroom and sales of new automobiles and the display and sale of used cars when in conjunction with a showroom and sales of new units thereof; and repair of same when in conjunction with a showroom and sales of new units thereof.

(g) Funeral homes and mortuary establishments not including crematoriums.

(h) Theaters.

(i) Printing establishments.

(j) Child care centers, subject to the conditions of § 152.077, below.

(k) Parks.

(6) *Commercial establishment size limits.* The gross floor area of commercial establishments in the CX1 District shall not exceed 15,000 square feet.

(7) *Indoor/outdoor operations.* All permitted uses in the CX1 District must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.

(8) *Floor to floor heights and floor area of ground floor space.*

(a) All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

(b) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

1. At least 800 square feet or 25% of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or

2. At least 20% of the lot area on lots with 50 feet of street frontage or more.

(9) *Transparency.*

(a) A minimum of 75% of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.

(b) The bottom of any window or product display window used to satisfy the transparency standard of division (C)(9)(a) above may not be more than four feet above the adjacent sidewalk.

(c) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(10) *Doors and entrances.*

(a) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(b) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(11) *Regulations and standards.*

(a) No residential dwelling units are permitted on the ground floor of any building located in the CX1 District.

(b) No minimum lot size or front, side, or rear yards are required in this District provided the premises are in compliance with §§ 152.140 through 152.149, off-street loading and unloading requirements, below.

(c) Uses in this District shall be exempt from the provisions §§ 152.140 through 152.149, off-street parking requirements, below if the use is located within 500 feet of municipal parking facilities. The distance shall be measured in a straight line from the center of a municipal parking lot to the nearest building line of the use.

(Ord. passed - -)

**§ 152.054 MOBILE HOME RESIDENTIAL DISTRICT (MH-1).**

(A) *Purpose.* The purpose of this District is to provide for the development of mobile home parks and to regulate mobile home parks with the character of residential neighborhoods. It is the intent of this chapter that mobile home parks be located in areas of the village that are served adequately by public facilities and services such as access streets, police and fire protection, and public water, sanitary sewer, and storm drainage facilities, and public recreation areas.

(B) *Permitted uses.*

- (1) Mobile home dwelling units.
- (2) Lines and structures of essential services.

(C) *Special uses.*

- (1) Churches and other buildings for religious worship.
- (2) Fire stations, police stations, government office buildings.
- (3) Public or private primary and secondary schools.

(D) *Regulations and standards.*

(1) *Lot Area.* The minimum area of the lot that comprises the mobile home park shall be five acres. The average area of mobile home sites within the mobile home park may not be less than 5,500 square feet per site. This 5,500 square feet for any one site may be reduced by no more than 20%, provided that the site area shall be at least 4,400 square feet. For each square foot of land area gained through the reduction of a site below 5,500 square feet, at least an equal area of land shall be designated as open space. In no case, however, shall the open space and distance requirements be less than those required under R 1125.1946, Rule 9465, and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

(2) *Height regulations.* Except as otherwise provided in § 152.028, below, no building or structure shall exceed a height of one story or 20 feet. The maximum height for accessory structures shall be 15 feet. The height of a storage building on a mobile home site may not exceed the lesser of 12 feet or the height of the mobile home.

(3) *Planning and development regulations.*

(a) The business of selling new or used mobile homes as a commercial operation in connection with the operation of a mobile home park shall be prohibited. New or used mobile homes located on site within a mobile home park, to be used and occupied on that site, may be sold by a licensed dealer or broker. This section may not prohibit the sale of a used mobile home by the owner of the mobile home provided the park's regulations permit such a sale.

(b) The following minimum distances shall be provided and maintained from a mobile home unit and shall be measured from the face, side, or back of the mobile home unit. If the mobile home has an attached or add-on structure, the applicable distances shall be measured from the face, side, or back of the attached or add-on structure.

1. Twenty feet between any part of an attached or detached mobile home or attached structure of an adjacent mobile home used for living purposes.

2. Ten feet from an on-site parking space of an adjacent mobile home site.
3. Ten feet from an attached or detached structure or accessory of an adjacent mobile home that is not used for living purposes.
4. Fifty feet from any permanent park-owned structures such as, community buildings, offices, maintenance and storage facilities and similar structures.
5. Ten feet from the edge of an internal street.
6. Twenty feet from the right of way of a street dedicated to the public within the mobile home park.
7. Seven and one-half feet from an off-site parking bay.
8. Seven feet from a common sidewalk.

(4) *Parking requirements.*

- (a) A minimum of two parking spaces shall be provided for each mobile home site.
- (b) Additional parking facilities shall be provided for park maintenance vehicles at the park office for visitors, and for general visitor parking, at the ratio of one parking space for each three mobile home sites at the park office.

(5) *Streets.*

- (a) Vehicular access to a mobile home park shall be provided by at least one hard surfaced public street.
- (b) Only streets within the mobile park shall provide access to individual mobile home sites in the park.
- (c) Two-way streets shall have a minimum width of 21-feet where no parallel parking is permitted, 31 feet where parallel parking is permitted on one side of the street, and 41 feet where parallel parking is permitted on both sides of the street.
- (d) The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking permitted on one side of the street, and 33 feet where water and sanitary sewer parallel parking is permitted on both sides of the street.
- (e) A dead-end street shall have an adequate turning area for emergency service vehicles (fire, ambulance, police).

(6) *Services.* Each mobile home unit and every building that has plumbing facilities within a mobile home park shall be connected to a village water line and sanitary sewer.

(7) *Site constructed buildings.* All buildings constructed on-site in a mobile home park shall be constructed in compliance with the Michigan State Construction Code. Any addition to a mobile home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the Michigan State Construction Code. Certificates and permits shall be required as provided in §§ 152.240 through 152.247, 152.325

through 327 and § 152.999, below. A final site plan shall be approved prior to construction of any principal structure, not including mobile home units, in accordance with § 152.072, below.

(8) *Placement of a mobile home unit.*

(a) *Obstructions.* It shall be unlawful to park a mobile home so that any part of the unit will obstruct a street or pedestrian way.

(b) *Permits to be issued.* All required permits shall be issued before a mobile home may be placed on a site in a mobile home park. Required permits may include zoning compliance, building, electrical, mechanical and plumbing.

(c) *Site plan review.* Construction of a mobile home park shall require prior approval of a site plan by the Village Planning Commission. For purposes of this section only, a site plan shall contain the following information:

1. The site plan shall be of a scale not greater than one inch equals 20 feet, and of such accuracy that the Planning Commission can readily interpret the plan.
2. Scale, north arrow, name and date; date of revisions.
3. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
4. Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
5. A vicinity map; legal description of the property; lot line dimensions and bearings; area. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
6. Existing topography, existing natural features such as trees, wooded areas, streams, and wetlands; natural features to be retained or removed; 100-year flood hazard area.
7. Existing buildings, structures, and other improvements, including driveways, or underground and above ground utilities; easements; pipelines; excavations; ditches; bridges; culverts; existing improvements to be retained or removed; deed restrictions, if any.
8. Name and address of owners of adjacent properties; existing use and zoning of adjacent properties; location and outline of buildings, driveways, parking lots, and other improvements on adjacent properties.
9. Names and rights of way of existing street on or adjacent to the property; surface type and width; spot elevations of street surfaces at intersections with proposed streets in the proposed mobile home park.
10. Zoning of the subject property; location of required yards; total property area and dwelling unit density.
11. Phase lines, development data by phase.

12. Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces and aisles; typical section of parking lot surfaces.

13. Location, width, and surface of proposed sidewalks and pedestrian paths.

14. Location, use, size, and proposed improvements of open space and recreation areas.

15. Location and type of proposed screens and fences; height, typical elevations, and vertical sections, showing materials and dimensions.

16. Landscape plan showing type, location, and size of plant materials.

(d) *Mobile home replacing existing mobile home.* Any mobile home unit replacing an existing mobile home unit in the MH-1 District shall be not more than ten years old at the time of placement, and in good repair.

(e) *Occupancy.* A mobile home may not be occupied until a certificate of occupancy has been issued in accordance with §§ 152.240 through 152.247, 152.325 through 152.327, and 152.999, below. A certificate of occupancy may not be issued until all required approvals have been obtained from county and state agencies.

(Ord. passed - -)

## **§ 152.055 INDUSTRIAL DISTRICT (I-1).**

(A) *Generally.* It is recognized by this chapter that the value to the public of designating certain area for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the village. In order that this value may be maintained and this use encouraged, this chapter has established one zoning district designed to regulate the location of industrial uses according to a well-considered plan which reflect the types of the uses and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other area devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of the Industrial District is further stated below.

(B) *Light Industrial (I-1).* This District is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

(1) *Permitted uses.*

(a) Wholesale merchandising or storage warehouses.

(b) Vehicle repair garages, but not including auto junk yards.

(c) Trucking terminals.

- (d) Farm machinery and equipment sales and repair.
- (e) Contractor's yards.
- (f) Industrial office buildings.
- (g) General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
- (h) Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
- (i) Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
- (j) Research and testing laboratories.
- (k) The manufacturing, compounding, process or treatment of the products as bakery goods, candy, cosmetic, dairy products, food products, perfumes, pharmaceutical toiletries, and frozen food lockers.
- (l) Essential services and structures.
- (m) On-site and off-site signs only in accordance with §§ 152.110 through 152.122, below.

(2) *Special uses.*

- (a) Restaurants and cafeteria facilities for employees.
- (b) Open air displays for the sale of mobile products such as or similar to garden furniture; earthenware, hardware items, and nursery stock; rental of mobile products or equipment, such as household equipment, small tools, pneumatic-tired two and four wheeled utility trailers, pneumatic tired cement mixers, wheelbarrows, rollers and similar products or equipment. Uses shall not be permitted in the required front yard.
- (c) Warehouses and material distribution centers and contractors' establishments provided all products, material, and equipment are stored within an enclosed building.
- (d) Building supply, including lumber yards.
- (e) Vehicle repair shop.
- (f) Municipally-operated recreational facilities.
- (g) Child care center.
- (h) Wireless communication facilities.
- (i) Retail sales of items that are the same as the items sold at wholesale on the



premises, or are related by use or design to such wholesale items, provided that the total amount of retail sales shall not exceed 25% of the annual wholesale sales on the premises. Retail sales shall be strictly incidental to wholesale sales.

(3) *Area, yard, height, and bulk regulations.* See Appendix A.  
(Ord. passed - -)

## § 152.056 COMPLIANCE WITH REGULATIONS.

### (A) *Compliance.*

(1) No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.

(2) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(3) No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this chapter, shall be included as part of a yard or open spaces similarly required for any other structure.

### (B) *Yard measurements.*

(1) Lots which abut on more than one street shall provide the required front yards along every street.

(2) All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three feet in length from the structure wall.

(C) *Lot width.* Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width, except in the case of lots on the turning circle of culs-de-sac, where the 80% requirements shall not apply.

(D) *Height exceptions.* Exceptions to the maximum height regulations for each district specified in this chapter may be permitted subject to the following provisions:

(1) *Height limitations.* The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this chapter or any other applicable ordinances: parapet walls, chimneys, smokestacks, church spires, flagpoles, wireless communication towers, television receiving antenna towers, penthouses for mechanical equipment, and watertanks.

(2) *Increased height.* Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are

increased one foot for each additional one foot of height and provided that adequate fire protection can be demonstrated.

(E) *Accessory structures and storage buildings.*

(1) No detached accessory structure or storage building shall be located closer than ten feet to any other building or structure.

(2) All detached accessory structures or storage building in any residential district shall be subject to the same dimensional requirements affecting the principle structure, except, however, the accessory structure or storage building may be placed not less than three feet from any rear lot line or the rear yard portion of any side lot line; and be subject to the regulations in Appendix A.

(3) All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within the districts.  
(Ord. passed - -)

### ***SUPPLEMENTARY DISTRICT REGULATIONS***

#### **§ 152.070 HOME OCCUPATIONS.**

The purpose of this section is to establish regulations that permit certain occupations to be conducted in a single-family dwelling unit, but which also insure that the occupation, either by itself or in conjunction with other home occupations in the same neighborhood will not create a change in the

neighborhood character or create a nuisance for neighboring residents and properties. These regulations are intended to prevent home occupations from creating significant costs to the public and to assure equal protection for all persons concerned. It is the intent of this chapter to prohibit as home occupations all uses except those that conform to the standards in this section. Custom and tradition are intentionally excluded as criteria for approving a use as a home occupation. It is further the intent of this section that a home occupation shall be an accessory use that will be so located and conducted that the average neighbor, under normal circumstances, will not be aware of its existence. The standards for home occupation in this section are intended to insure compatibility with other uses permitted in the district in which it is located and with the residential character of the neighborhood.

(A) A home occupation shall be permitted only in a single-family dwelling unit or in a building accessory thereto.

(B) No person other than the members of the family residing in the dwelling to be used for the home occupation shall be employed or otherwise engaged in that occupation. The dwelling unit so used shall be the bona fide, permanent residence of any person employed in the home occupation. No subcontractor shall operate on the premises of a home occupation.

(C) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use as a residence. The total floor area used by the home occupation shall not exceed 20% of the total floor area of the dwelling unit. In calculating this percentage, the floor area of the basement or of any attached or detached accessory building shall not be included in the floor area of the dwelling unit.

(D) There shall be no change in the exterior appearance of the structure or premises to accommodate the home occupation, or other outdoor visible evidence of conduct of the home occupation, and there shall be no external or internal alterations not customary in residential areas. Signs as permitted in this section shall be exempt from this subsection.

(E) No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home occupation.

(F) Parking for the home occupation shall not exceed one space. The space shall be provided on the premises. The parking space for a home occupation shall not be located in any required yard or on a public street.

(G) No exterior storage of materials or equipment associated with or resulting from a home occupation shall be permitted.

(H) No equipment or process shall be used in a home occupation which generates noise, vibration, glare, fumes, odor, electrical interferences or RF (radio frequency) interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers or other RF signals off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.

(I) Hazard of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home occupation. Annual certification of compliance with this provision by the state fire marshal may be required as a condition of approval of the special use permit.

(J) Not more than one sign, not exceeding two square feet in area and attached to the dwelling unit, shall be permitted for a home occupation.

(K) A home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises. For the purposes of this section, a commercial vehicle shall be defined as one with more than two axles used for the delivery or transport of commercial goods.

(L) No home occupation shall cause an increase in the use of one or more utilities (water, sanitary sewer, storm sewer, electricity) so that the combined total use for dwelling and home occupation purposes exceeds the average use for residences in the neighborhood.  
(Ord. passed - -)

#### **§ 152.071 STORAGE OF MATERIALS.**

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, inoperative, unused, or unusable recreational vehicles (including motor-homes and campers), appliances, furniture, equipment, or materials shall be regulated as follows:

(A) On any lot in any residential, commercial or mobile home district, the owner or tenant, but not for hire or for business, shall locate and store the materials within a completely enclosed building.

(B) On any lot in any industrial district, the owner or tenant, but not for hire or for business, shall locate and store the materials within a completely enclosed building or within an area surrounded by a solid, un-pierced fence or wall at least seven feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard

requirements for buildings permitted in the districts.

(C) Nothing in this chapter shall permit the storage or parking of any vehicles or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of operational passenger vehicles on a driveway located on private property shall not be prohibited.

(D) Nothing in this chapter shall permit the storage of materials in any vehicle, recreational vehicle (including motor-homes and campers) or non-permanent structure, except that materials used as part of a business or occupation may be stored in an operational, properly licensed vehicle used in conjunction with the occupation or business.

(Ord. passed - -)

### **§ 152.072 STANDARDS FOR SINGLE-FAMILY DWELLINGS.**

A single-family dwelling, including mobile homes and manufactured homes, shall comply with the following standards:

(A) The dwelling shall meet all the necessary requirements as described in Appendix of this chapter. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, the federal or state standards shall apply, in addition to state and local building codes.

(B) The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the state building code. If the dwelling is a mobile home, it shall, in addition to the above foundation requirement, be installed in compliance with the rules and regulations of the Michigan Manufactured Housing Commission.

(C) If the dwelling is a mobile home, the dwelling shall be installed with the wheels and towing apparatus removed. The undercarriage and chassis shall not be exposed.

(D) The dwelling unit shall be connected to a water line and a sanitary sewer system of the village in accordance with village ordinances.

(E) The dwelling shall have either a roof overhang of not less than six inches, or alternatively, windowsill and roof drainage at collection points along the sides of the dwelling. It shall have not less than two exterior entrances to the living areas, which shall be at ground level or with permanently attached steps connected to the exterior door areas or to porches connected to door areas, where a difference in elevation requires the same.

(F) If the dwelling is a manufactured or modular home, the design and appearance shall be compatible with the character, design and appearance of one or more single-family dwellings, not in a mobile home park, within 2,000 feet of the subject dwelling where the area is developed with single-family dwellings to an extent of not less than 20% of the lots situated in the area; or where the area is not so developed, by the character, design, and appearance of one or more single-family dwellings, not located in mobile home parks, throughout the village.

(G) If the dwelling is a mobile home, any building addition thereto that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the State of Michigan Building Code.

(H) If the dwelling is 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 U.S. Department of Housing and Urban Development, being 24 C.F.R. § 3280, as amended. All dwellings shall meet or exceed applicable roof snow load and strength requirements as established by the State of Michigan Building Code.

(I) A building permit shall be required for construction of a foundation, construction or placement of a dwelling on a lot, and any addition thereto. A building permit shall not be issued until a zoning compliance permit has been issued. The dwelling shall not be occupied until a certificate of occupancy has been issued.

(J) Not more than one dwelling shall be located on a lot, except in a planned unit development. A mobile home shall not be used as an accessory building in any residential district. A mobile home shall not be used for any purpose other than a principal residence in any residential district.

(K) A dwelling shall not be removed from a foundation until all required permits therefore have been issued.

(L) The building shall have a minimum of 720 square feet for each one story unit, and 576 square feet on the ground floor for a dwelling of more than one story.

(M) The building shall have a minimum 4/12 pitch roof.

(N) The dwelling shall contain no additions or rooms or other areas which are not constructed with similar materials and which are not similar in appearance and which do not have a similar quality of workmanship to the original structure, including a foundation and permanent attachments to the principal structure.

(O) The building shall comply with all pertinent building and fire codes. In the case of mobile homes, the standards for mobile home construction, the standards for mobile home construction contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, as amended, shall apply.

(P) The building shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and appropriate repairs, surface coating, and other appropriate protective measures.

(Q) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state and federal law or otherwise specifically required in the ordinance pertaining to the parks.

(Ord. passed - -)

### **§ 152.073 APPEARANCE STANDARDS.**

Appearance standards shall apply to all single-family detached dwellings including site built housing, industrialized (systems-built) housing, manufactured houses, and accessory structures within all residential zoning districts. Building permits shall be granted upon finding that the development shall meet or exceed the appearance standards as follows:

(A) The roof shall have a surface of wood shakes, asphalt composition shingles, fiberglass shingles, wood shingles, concrete, fiberglass tiles, metal tiles, slate, standing seam metal, or other materials approved by the Planning Commission and in compliance with the Michigan Building Code.

(B) The exterior siding materials shall consist of wood, masonry, concrete lap, stucco, masonite, metal lap, vinyl lap, vinyl shake, cultured brick or stone, or other materials of like appearance approved by the Planning Commission and in compliance with the Michigan Building Code.

(C) Permanent foundations shall meet the requirements of standard building code for the state of Michigan.

(D) For modular homes, a masonry curtain wall solid except for the required ventilation and access must be installed so that it encloses the area under the manufactured home to the ground level.

(E) Modular homes and mobile homes are required to remove all towing devices.

(F) Mobile homes in the MH-1 District that cannot remove towing devices shall be screened by plantings and the structure shall be skirted with approved skirting materials.  
(Ord. passed - -)

### **§ 152.074 ILLEGAL DWELLINGS.**

The use of any portion of the basement of a partially completed building, or any garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.  
(Ord. passed - -)

### **§ 152.075 ACCESSORY STRUCTURES FOR PHYSICAL DISABILITIES (HANDICAPPED).**

Structures necessary to provide reasonable accessibility for persons with physical disabilities shall meet the following standards:

(A) Structures shall meet applicable state and federal regulations.

(B) Permanent structures shall meet all required setbacks for a principal building.

(C) A structure intended to be a temporary structure to provide access to a dwelling unit may be approved by the Zoning Administrator. The applicant shall provide documented evidence of the physical disability and agree in writing to the removal of the structure when the person in need of the structure no longer resides on the premises or is no longer physically disabled. Any structure

shall be the minimum necessary to provide reasonable accessibility. A handicap ramp necessary under this provision shall be set back not less than five feet from the lot line or the street right of way line.

(D) A structure intended to provide access to a commercial business or structure must also meet the requirements set forth by the Americans with Disabilities Act (ADA) of 1990, as amended. (This Act can be viewed online at [www.ada.gov](http://www.ada.gov)).

(E) Approval of a temporary structure shall be valid for not more than three years from the date of approval unless renewed pursuant to this section.  
(Ord. passed - -)

### **§ 152.076 REQUIREMENTS FOR GROUP FOSTER CARE HOMES.**

A group foster care home shall comply with the following development requirements:

(A) Public Act 287 of 1972, as amended.

(B) All applicable ordinances of the village.

(C) All regulations and requirements of the zoning district where located.

(D) Be adequately constructed, arranged and maintained to provide for the health, safety and welfare of all occupants.

(E) The atmosphere and routine shall be such that a resident may spend the majority of his or her non-sleeping hours outside his or her bedroom.

(F) A toilet, lavatory and bathing or showering facility shall be provided for each six persons.

(G) Provide distinct living and sleeping areas. All areas shall be well-lighted, heated and ventilated.

(H) Provide a living or dayroom area which affords privacy for use by a resident and his or her visitors.

(I) Living and sleeping areas for each resident shall be in contiguous wings, uses or buildings.

(J) No living room, dining room or other room which is not designed ordinarily for sleeping, shall be used for sleeping purposes.

(K) A room shall not be used as a bedroom where more than one-half of the room height is below grade level, except where the ceiling of the portion of the building is located five feet or more above grade for more than 25% of the perimeter measurement of the room.

(L) Bedrooms shall have at least one window with a minimum sash area of eight square feet.

(M) A single occupancy bedroom shall have at least 80 square feet of floor area.

(N) A multiple occupancy bedroom shall have at least 70 square feet of floor area per person with a maximum of four beds and four persons per bedroom.

(O) A group foster care home shall be inspected and approved for fire safety prior to the issuance of an occupancy permit and shall be inspected thereafter, at least, annually.

(P) The number of off-street parking spaces for a group foster care home shall be established by the Village Council when a special use permit is issued based upon the number and types of residents. All off-street parking areas shall conform to the provisions of §§ 152.140 through 152.149, below.

(Q) A group foster care home shall provided a minimum of two adult resident counselors permanently residing in the home who shall provide care and guidance to the residents.  
(Ord. passed - -)

#### **§ 152.077 GROUP DAY-CARE HOME AND CHILD CARE CENTERS.**

(A) The group day-care home or childcare center shall be appropriately licensed by the Michigan Department of Social Services.

(B) A child care center shall not be located within 1,500 feet from another licensed group day-care home, adult foster care home, substance abuse treatment center and any facility that houses an inmate population.

(C) All outdoor play areas shall be enclosed by a fence not less than four feet nor more than six feet in height and capable of containing the children within the play area.

(D) Signs are permitted as regulated in §§ 152.110 through 152.122, below.

(E) Off-street parking shall be provided for employees.

(F) Parking for the drop-off and pick-up of children shall also be provided.

(G) The group day-care home or childcare center shall be inspected for compliance prior to the issuance of a certificate of occupancy.

(H) A group day-care home shall not require the modification of the exterior of the dwelling nor the location of playground equipment in the front yard.

(I) The Planning Commission may establish additional conditions if necessary.  
(Ord. passed - -)

#### **§ 152.078 NATURAL FEATURE SETBACK.**



A 25-foot natural feature setback shall be maintained from the mean high water line of a natural pond or stream, or from a boundary of wetland.

(Ord. passed - -)

#### **§ 152.079 RECREATION AREA WITHIN RESIDENTIAL DEVELOPMENTS.**

A residential development consisting of 20 or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide one or more recreation areas for use by the residents. The minimum total area required shall be computed at the rate of 1,500 square feet for each lot or dwelling unit in the development, whichever yields the larger land area. The recreation area shall be well drained, graded, seeded or sodded, and safe from hazard. The minimum required area shall not include the area in any wetlands or storm water detention basins.

(A) Each recreation area shall be provided in locations that are visible and accessible to all residents in the development.

(B) Connections with adjacent open space, public land or existing or planned pedestrian/bicycle paths may be required by the village.

(C) A required recreation area shall be set aside by the developer through an irrevocable conveyance acceptable to the village, such as recorded deed restrictions, covenants that run perpetually with the land, or conservation easements. The conveyance shall describe the uses permitted in the recreation area and require that the area be maintained by parties who have an ownership interest in it.

(D) A required recreation area shall remain open, subject only to uses approved by the village on the approved site plan or subdivision plat. Division of a recreation area or its use for other than recreation purposes, except easements for utilities, shall be prohibited.

(Ord. passed - -)

#### **§ 152.080 SALE OF VEHICLES.**

Cars, trucks, boats, ATVs, RVs, PWC and similar vehicles or conveyances may be sold only on a lot of a dealer licensed in the state of Michigan for such sales, or on a lot owned by the registered owner of the above items to be sold, provided the sale shall be made by the registered owner or by a member of the immediate family of the registered owner.

(Ord. passed - -)

#### **§ 152.081 TEMPORARY STRUCTURES.**

(A) Temporary structures (such as party tents) intended for providing shelter for a single event or gathering are permitted, provided they are not erected more than two days in advance of the event

or gathering, and removed within no more than two days of the conclusion of the event.

(B) Seasonal temporary structures (such as screen tents) intended to provide shade for residents, and not used for storage of any materials, are permitted, provided they are removed when the weather is no longer conducive to their regular use.

(C) No tent-like structures, garages, storage buildings, etc. shall be erected that are made of canvas, Tyvek-type material, or woven plastic tarp material, and supported by a frame and intended for storing materials of any kind.

(D) A temporary structure shall not be used as a dwelling.  
(Ord. passed - -)

### **§ 152.082 CAR PORTS.**

A building permit is required to be obtained prior to the construction of a free standing metal carport. All residential carports regardless of size or permit requirements are required to be located per the village's zoning ordinance and constructed per the currently adopted building code.

(A) A free standing metal carport may be constructed within three feet of the side property lines. The rear yard setback shall be five feet if no alley and ten feet if there is an alley, unless a utility or drainage easement exists. Carports may not be constructed in drainage or utility easements (including overhangs).

(B) A distance of five feet must be maintained between any portion of the carport and the primary structure.

(C) (1) All carports must be compatible in design, appearance and materials with the primary structure. Tents and awnings shall not be considered carports.

(2) Design requirements:

(a) Size and depth of footings vary with the manufacturer.

(b) Carports shall be manufactured with materials consistent with the most recently adopted building code.

(c) A concrete slab is required under the carport.

(d) A hard surface driveway consisting of gravel, asphalt or concrete is required.

(e) If a new approach for the driveway leading to the carport is planned, the approach shall be concrete and shall meet the village's specifications for concrete work in the right of way.

(Ord. passed - -)

### **§ 152.083 FENCES.**

Fences in all districts are subject to the following conditions, exempting fences relating to wireless communication structures which are subject to the regulations set forth in § 152.092, below.

(A) *Permit.* Any person desiring to build or causing to be built a fence upon property within the limits of the village shall first apply to the Zoning Administrator for a permit to do so. Application for the permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of the fence would comply with the provisions of this chapter or the laws of the State of Michigan. In issuing a fence permit, the village shall not be responsible for the location of the fence with respect to property lines.

(B) *Standards.* It shall be unlawful for any person, firm or corporation to construct or cause to have constructed any fence upon any property within the limits of the village, except in accordance with the requirements herein provided.

(1) *Construction within property lines.* All fences shall be constructed within the property lines of a lot unless there is a written consent from the adjoining property owners. The village shall not be responsible for determination of the location of any fence to be erected on lot lines. Fences shall be constructed at least one foot from any public sidewalk or right of way line except at intersections subject to § 152.034, above, visibility at intersections.

(2) *Height and opacity requirements.* The following height and opacity requirements shall apply to fences constructed on property other than public land or institutional parks.

<i>Location</i>	<i>Min. Height</i>	<i>Max. Height</i>	<i>Max. Opacity</i>
Rear Yard	3 feet	6 feet	100%
Side Yard	3 feet	6 feet	100%
Front Yard*	3 feet	4 feet	50%

\*Front yard fences shall be constructed of materials designed for landscape effect such as split rail, picket or wrought iron. Front yard fences constructed of materials designed for other than landscape effect, including, but not limited to chain link, snow fences, and wire, shall not be permitted.

(3) *Visibility at intersections.* The requirements of § 152.034, above, visibility at intersections, shall apply to fences placed on corner lots. Each street frontage of a corner lot shall maintain front yard requirements as specified in Appendix A.

(4) *Gates.* Gates in fences shall not open over public property.

(5) *Enclosing parks, playgrounds, public areas.* Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area development with recorded lots, shall not exceed eight feet in height and shall not obstruct vision to an extent greater than 25% of their total area. A greater height may be permitted by the Zoning Board of Appeals.

(6) *Height.* The height of a fence shall be measured from the average grade of the fence line.

(7) *Temporary fences.* Temporary fences such as construction fences or any other type of temporary fencing may be permitted, but shall not be in place for period greater than one year without special approval of the Zoning Board of Appeals.

(8) *Animal intrusion fences.* Fences designed to prevent animal intrusion into garden areas may be electrified provided that the fence charge does not exceed 5kv. Underground RF and

wireless fences for the purpose of containing pets are permitted.

(9) *Sharp points, instruments on fences.* Razor edge fence, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, shall be prohibited.

(10) *Barbed wire.* Barbed wire shall only be permitted in industrial and municipal use zoning districts, for wireless communication towers, or public or private utility installations which require security. Barbed wire shall be at least ten feet above grade.

(11) *Maintenance of fences.* Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type or construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Planning and Zoning Administrator or authorized representative shall serve written notice to the owner, agent, or person in control of the property upon which the fence is located. The notice shall describe unsafe conditions, shall describe repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a 30-day limit for the repairs, modifications, or removal.

(12) *Alteration.* Any person, firm or corporation being an owner, lessee, occupant or agent of the same, of any property containing a fence which violates provisions of this chapter, shall not alter, change, repair or rebuild the fence without first having obtained a permit.

(13) *Nonconforming fences.* Nonconforming fences are subject to the requirements of § 152.217, below.  
(Ord. passed - -)

#### **§ 152.084 PROPERTY MAINTENANCE.**

To prevent the creation of public nuisances and to ensure the health, safety and welfare of the citizens of the village, the following regulations shall be established for the maintenance of property in the village:

(A) Non-functioning appliances shall be stored in an enclosed accessory or principal building. Any non-functioning appliances such as refrigerators, freezers, stoves, etc., shall have doors removed prior to storage.

(B) Any major auto repairs such as building motors, transmissions or heavy body work shall be done in an enclosed accessory building.

(C) Vehicles inoperable for more than 14 days shall be stored in an enclosed accessory building. If the building does not exist on the property, the vehicle cannot be stored on the property.

(D) Yard or garage sales at the same location shall last for not more than three consecutive days twice annually, unless otherwise authorized. There shall not be any continuous yard or garage sales in the village. Storing of yard sale items shall be in an enclosed accessory or principal building and shall not be on display in any yard except during the hours of the yard sale.

(E) No abandoned mobile or manufactured homes, abandoned or non-abandoned motor-homes, campers or other recreational vehicles shall be used as a storage or accessory building. Abandoned mobile/manufactured homes, motor-homes, campers or other recreational vehicles shall be removed from property at owner's expense. Upon determination by the enforcement officer or designated official that the mobile/manufactured home or recreational vehicle is abandoned and is a health and/or safety hazard to surrounding property owners, the owner shall be notified to remove the mobile/manufactured home or recreational vehicle from the property within 30 days. Failure to remove the mobile/manufactured home or recreational vehicle shall be in violation of this section and chapter and be subject to the penalties set forth in §§ 152.325 through 152.327 and 152.999, below. (Ord. passed - -)

#### **§ 152.085 OCCUPANCY STANDARDS.**

The number of people allowed to live in one single-family household shall not exceed public health standards as defined by the Jackson County Health Department. (Ord. passed - -)

#### **§ 152.086 BED AND BREAKFAST OPERATIONS.**

A bed and breakfast operation, where permitted as a special use, shall comply with the following regulations.

(A) A bed and breakfast operation shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator, and the operator shall live in the principal dwelling unit during the time the bed and breakfast operation is active.

(B) A dwelling unit containing a bed and breakfast operation shall comply with State of Michigan regulations for bed and breakfast operations, and applicable fire safety regulations, and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant for a special use permit shall provide written evidence of inspection and compliance with applicable codes and regulations to the Village Planning Commission before a certificate of occupancy is granted.

(C) A dwelling to be used for a bed and breakfast operation shall have a minimum floor area of 1,600 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 150 square feet and shall not have more than two occupants. Not more than six rooms shall be provided for bed and breakfast operations in one single-family detached dwelling. If the applicant cannot comply with off-street parking, as required by division (L), and the other provisions of the zoning ordinance, the number of rooms for bed and breakfast operations shall be reduced to that number which is served by off-street parking. The Planning Commission may reduce the number of rooms under this division if it determines that the use of the site for off-street parking to meet the requirements of this section would adversely affect the residential character of the site within the particular zoning district.

(D) Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. At least one bathroom, containing a lavatory, toilet, and a bathtub or shower shall be provided for each two sleeping rooms. Each bathroom shall be physically separated from the living quarters of the resident family. Bathrooms required under this subsection for guests shall be in addition to the facilities utilized by the resident family. Sharing of bathrooms between guests and the resident family shall not be permitted.

(E) A single-family detached dwelling unit that contains a bed and breakfast operation shall not have, or be converted to, more rental rooms than the number of bedrooms that existed on the date of adoption of this amendment. Any addition to a dwelling for the purpose of increasing the number of bed and breakfast rooms shall be prohibited. For purpose of application of this division, bedrooms shall include rooms used on a regular basis for sleeping by the inhabitants prior to the conversion of the single-family detached dwelling to bed and breakfast operations. The rooms which have dual purposes as bedrooms are sometimes known or used as dens/bedrooms, studies/bedrooms, libraries/bedrooms.

(F) No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast operation. Cooking facilities in a dwelling containing a bed and breakfast operation shall be limited to the residential kitchen.

(G) No meals or food service shall be provided to a guest except the following; breakfast, snacks, coffee and tea service, provided there shall be no separate or extra charge for these services. Catered lunches or evening meals for special events or gatherings at the bed and breakfast shall be permitted, provided they are prepared off-site by a licensed caterer, or prepared in an off-site licensed commercial kitchen and brought to the bed and breakfast for the event.

(H) Service of alcoholic beverages in a bed and breakfast operation shall be prohibited.

(I) One sign, not more than three square feet in area, shall be permitted for each bed and breakfast operation. The sign shall be wall mounted and shall meet all applicable regulations of §§ 152.110 through 152.122, below.

(J) A single-family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except the sign permitted herein.

(K) The maximum length of stay for any occupant of a bed and breakfast operation shall be 23 days in any period of 90 consecutive days.

(L) One off-street parking space shall be provided for each bedroom in a bed and breakfast operation. Parking spaces for bed and breakfast registrants shall be in addition to spaces required for the dwelling unit and shall comply with the regulations of § 152.144, off street parking and loading regulations, below.

(M) A property survey, drawn to scale, with dimensions, and showing property lines and all structures and other improvements shall be submitted with the application for a special use permit. If the proposed use involves changes to the site outside the building, the Planning Commission may require that the applicant submit a final site plan, as required in §§ 152.190 through 152.202, site plan review, below, or portions of a final site plan that are applicable to the proposed changes and be reviewed and approved by the Planning Commission before the special use permit may be issued.

(N) An approved special use permit for a bed and breakfast operation shall not become effective, and a bed and breakfast operation shall not be opened for business, until all licenses required therefor have been issued in accordance with this chapter.

(Ord. passed - -)

#### **§ 152.087 LANDSCAPING REQUIREMENTS.**

(A) Any site for which site plan approval is required shall be landscaped in accordance with landscaping standards adopted by the Planning Commission. A preliminary version of the landscape plan shall be a part of a preliminary site plan and shall comply with the adopted standards. Landscape standards shall be adopted by the Planning Commission and shall be designed to achieve the following objectives:

- (1) To integrate the various elements of the site.
- (2) To preserve and enhance the identity of the site.
- (3) To improve and enhance the character of the site; to screen or filter views, where necessary; to help unify the various parts of the site; blend inharmonious land uses; and buffer incompatible uses.
- (4) To define and articulate outdoor and architectural space.
- (5) To control soil erosion; moderate harsh or unpleasant sounds; remove air pollutants; control glare and reflection; and slow the effects of erosive winds or water and promote storm water retention, thereby helping to prevent flooding; and to block, divert or channel winds.
- (6) To moderate the effects of climate and to create a more desirable microclimate.
- (7) To specify information required in a landscape plan.
- (8) To assure minimum size, spacing and quality of plant materials.
- (9) To provide protection for existing trees and other vegetation to be preserved on a site.
- (10) To assure coordination between landscaping and existing and future public and private utilities.

(B) Landscaping shall include plant materials such as trees, shrubs, ground covers, perennial and annual plants; landscape elements such as rocks, water features, fences, walls, paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles, and planters.

(Ord. passed - -)

#### **§ 152.088 SEASONAL OUTDOOR DISPLAYS AND SALES.**

The sales may be permitted on lots in the C-1 and C-5 Districts, if approved by the Planning and Zoning Administrator. Approval shall be in the form of a certificate of zoning compliance. The applicant shall provide the information necessary, in the Planning and Zoning Administrator's opinion, to show the location and extent of the proposed display and sales and for the Planning and

Zoning Administrator to determine compliance with the standards in this section. The Planning and Zoning Administrator shall consider the following standards in reviewing an application and shall issue a certificate of zoning compliance if all the standards are met.

(A) Display and sales may be permitted in a front, side or rear yard, but the activity shall not be located less than five feet from a property line. Display and sales shall not be permitted in any side or rear yard that abuts a lot in a residential zoning district.

(B) Display and sales shall be accessory to a principal permitted use.

(C) The display and sales shall comply at all times with an approved site plan that might be in effect for the property in the application.

(D) The Planning and Zoning Administrator may set appropriate time limits - time of day, days of the week, and months - during which the display and sales may be conducted.

(E) The certificate of zoning compliance shall identify the types of materials or objects to be displayed and sold and all activities in the display and sales area.

(F) The holder of the certificate of zoning compliance shall return the display and sales area to its original condition within a reasonable time following closure. The time shall be specified in the certificate.

(G) The display and sales shall not block fire lanes or interfere with convenient or safe vehicular or pedestrian circulation. Display and sales shall not be permitted on any sidewalk unless the Planning and Zoning Administrator determines that the display and sales will not interfere with the convenience or safety of pedestrians.

(H) The display and sales shall not use required parking spaces unless the applicant can prove to the Planning and Zoning Administrator's satisfaction that the remaining spaces will be sufficient to handle parking requirements on the site.

(I) Outdoor display and sales shall not exceed 60 days in any calendar year when located in an area designated for parking. In the C-5 District displays shall be permitted for 180 days when on the property owned or leased by the business owner. Where a building is equipped with a structurally covered pedestrian walkway/porch, outdoor display may be year round provided that pedestrian traffic is not impeded and the display shall not occupy more than 35% of the covered area.  
(Ord. passed - -)

## **§ 152.089 COMMERCIAL DESIGN STANDARDS.**

(A) *Intent.* The intent of these regulations is to provide specific design guidelines that achieve the following:

(1) Encourage development and redevelopment that protects and enhances the traditional small-town character, fits within the traditional urban form and creates a character that reinforces a sense of community identity;

(2) Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of the various business districts, maintain the desired character of the village, prevent the creation of blight and protect property values;



(3) Promote the preservation and renovation of historic buildings; and ensure new buildings are compatible with, and enhance the character of, the village's cultural, social, economic, and architectural heritage;

(4) Establish an integrated pedestrian system to maintain a walkable pedestrian environment; and

(5) Implement recommendations of the comprehensive plan, and sub area plans.

(B) *Applicability.* All commercial, governmental, community, public and private schools, and office buildings in a commercial zoning district shall comply with the design standards of this section as follows:

(1) *New sites.* All commercial and office uses that receive site plan approval for construction of a new building after the effective date of this chapter shall fully comply with the design standards of this section.

(2) *Expansions to existing sites.* Buildings and sites existing prior to the effective date of adoption of these standards and which do not comply with all standards in this section may be expanded or improved in accordance with § 152.222, below.

(3) *Minor improvements to existing sites.* For buildings existing prior to the effective date of the ordinance codified herein, minor changes, improvements, and modifications that are approved administratively shall be permitted, provided the improvements shall not increase noncompliance with the requirements of this section. The Planning and Zoning Administrator may require certain site upgrades such as parking lot screening, sidewalk improvements or access consolidation. Refer to § 152.087, above for landscaping requirements.

(C) *Building design.* Architectural styles shall meet the following standards:

(1) *Materials.* A minimum of 60% of the exterior finish material of all building facades visible from the public street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of the following: brick, cut stone, field stone, cast stone, or wood. The remaining maximum 40% of the facade may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (Fypon) or Exterior Insulation and Finishing Systems (EIFS) materials. The Planning Commission may permit other materials for facades that are not visible from a public street or parking lot and are adequately screened from adjoining land uses.

(2) *Colors.* The Planning Commission shall review building colors as a part of site plan approval. For building renovations and additions, exterior finish material and colors used shall be consistent, or compatible, with the existing finish material.

(3) *Roofs.* Roof design and materials are considered to be key elements to the village character, and thus shall be consistent with the intent of this District. As a part of building design, roofs shall be designed in keeping with the overall architecture of the building. Buildings in the C-5 District should be two stories or have the appearance of two stories with decorative cornices, in keeping with the traditional commercial architecture of the village. Single story buildings should be designed with pitched roofs.

(a) Pitched roofs are preferred. Flat roofs shall be enclosed by parapets and peaked architectural features with a full roof return, or other details, at least 42 inches high, or of a height

sufficient to screen roof-top mechanical equipment.

(b) Asphalt, fiberglass, tile, slate or cedar shingles shall be used. Standing metal seam roof systems may be permitted by approval of the Planning Commission.

(4) *Fenestration.* The following shall apply in the Central Business (C-5) District only.

(a) Windows and doors shall comprise at least 50% of the first floor front facade of a building containing a commercial use.

(b) The glazed area of a facade above the first floor shall not exceed 35% of the total facade area of that floor. Windows above the first floor shall be vertical in proportion. Large windows shall be broken-up to maintain a vertical proportion.

(c) Window areas shall be non-reflective glass and clear or lightly tinted color. Double or fixed hung windows shall be used in all retail applications. Sliding windows and doors shall not be permitted.

(5) *Front façade.* Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. A usable public building entrance shall be provided at the front of the building. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.

(6) *Pedestrian orientation.* The buildings shall be designed at a pedestrian scale with relationship to the street and sidewalk. Buildings shall include windows that face the sidewalk and street. Convenient and safe pedestrian access shall be provided between the public sidewalk and the building entrance.

(7) *Neon.* Exposed neon shall not be permitted on a building, except where permitted by the sign ordinance.

(8) *Awnings.* Facades may be supplemented by awnings. In the Central Business District awnings shall be straight sheds and shall not be cubed or curved except over doorways. Awnings shall be of an opaque material. Outside the Central Business District (C-5), the Planning Commission may approve curved awnings to compliment the principal building. An awning may be installed in any commercial district upon issuance of a permit by the Zoning Administrator.

(D) *Site design.*

(1) *Sidewalks.* Sidewalks shall be provided along all public street frontages and up to the entrance of the building. Sidewalks shall be constructed of concrete. Where separated from the road curb, sidewalks shall be a minimum of five feet wide. Where immediately adjacent to the road curb or a parking lot, sidewalks shall be a minimum of seven feet wide.

(2) *Parking.* Parking shall be designed to meet the requirements of §§ 152.140 through 152.149, below.

(3) *Detention/retention ponds.* Detention/retention ponds shall not be permitted in the front yard unless the planning Commission determines there is no feasible engineering alternative or that placement in another location would be burdensome on adjacent single-family use. In such situations, the detention/retention pond shall meet the minimum front yard setback requirement for

principal buildings and shall be designed as a visual amenity (a water feature, boulder walls, varying shape, extensive landscaping, etc).

(4) *Loading areas.* All garage doors, loading and service areas shall be located in the rear or side yard of the lot and screened from view of any public street, adjacent residential zoning district or public property.

(5) *Ornamental lighting.* Any ornamental lighting shall be consistent with the street lighting recommended in the comprehensive plan and any sub-area master plan.

(6) *Parking lot lighting.* All parking lot lighting and building mounted lighting shall be downward directed sharp cut-off fixtures with a maximum height of 22 feet with a maximum pole height of 20 feet and a maximum base height of two feet.

(7) *Landscaping.* The landscaping and screening requirements of § 152.087, above, shall be met.

(E) *Access.*

(1) The Planning Commission shall determine access points as the minimum necessary to provide reasonable access to motorists, delivery vehicles, and emergency vehicles, and that the additional access points will not compromise traffic operations and safety along the public roadway as determined by a traffic impact study.

(2) Where practical, commercial access shall be from a shared driveway or service drive.

(3) Access points shall be spaced a minimum 100 feet from an intersection of two major roads, measured from near edge to near edge of pavement. The Planning Commission may require greater spacing to limit impacts on intersection operations.

(4) Access points along major streets shall be aligned with, or have centerlines offset at least 150 feet from, access points on the opposite side of the street.

(5) Access points shall be a minimum 100 feet from other street or commercial driveway intersections, measured from centerline to centerline, unless other distances are dictated by conformance with the spacing standards above.

(6) The Planning Commission, based upon a recommendation by the planner or engineer, may reduce the spacing requirements above or allow additional driveways upon finding that there is no reasonable opportunity to achieve a shared access design, that compliance has been attained to the greatest degree practical and the access design will not significantly compromise public safety or traffic operations along the public street, based upon a traffic impact study prepared by the applicant. (Ord. passed - -)

**§ 152.090 SITE LIGHTING.**

(A) *Intent.* The purpose of this section is to protect the health, safety and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this section provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to a sky glow; reduce light pollution and light trespass from light sources onto adjacent properties; conservation of electrical energy; and curtail the degradation of the nighttime visual environment.

(B) *Applicability.* The standards in this section shall apply to any light source that is visible from any property line or beyond, for the site from which the light is emanating. The Planning and Zoning Administrator may review any building or site to determine compliance with the requirements under this section. An applicant for a building permit, electrical permit for outdoor lighting or signage, a special use permit, subdivision approval or site plan approval from the village shall submit sufficient information to enable the Planning and Zoning Administrator to determine whether the proposed lighting will comply with this section.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CANOPY STRUCTURE.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

**FLOOD or SPOT LIGHT.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

**GLARE.** Direct or reflective light emitted by a lamp, luminous tube lighting or other light source.

**LAMP.** The component of the luminaire that produces the actual light including luminous tube lighting.

**LIGHT FIXTURE.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

**LIGHT POLLUTION.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

**LIGHT TRESPASS** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**LUMINAIRE.** The complete lighting system including the lamp and light fixture.

**LUMINOUS TUBE LIGHTING.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

**OUTDOOR LIGHT FIXTURES.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

***SHIELDED FIXTURE.*** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e. a shoebox-type fixture. A luminaire recessed in a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this chapter.

(D) *Submittal requirements.* The following information must be included for all site plan submissions. Where site plan approval is not required, some or all of the items may be required by the Planning and Zoning Administrator prior to issuance of a zoning compliance permit:

(1) Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.

(2) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles).

(3) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.

(4) Use of the fixture proposed.

(5) Any other information deemed necessary by the Planning and Zoning Administrator.

(E) *Standards.* Unless exempted under division (E)(3)(f), below, all lighting must comply with the following standards:

(1) *Freestanding pole lighting and building mounted lighting.*

(a) Lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light within a site shall not exceed ten foot-candles or one foot-candle at a property line. Gas station canopy and automobile dealership lighting shall be permitted a maximum of 20 foot-candles within the site but the above standards shall apply to intensity at the property line.

(b) The Planning Commission or Planning and Zoning Administrator, whichever applies, may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

(c) Metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the municipality and prevent a sky glow.

(d) The maximum height of parking lot light fixtures shall be 20 feet on top of a base not exceeding two feet in height.

(e) Outdoor lighting fixtures not used for security purposes, hereafter installed within commercial, industrial and office zoning districts shall be turned off between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use continues after 11:00 p.m. but only for so long as the use continues. Two photometric grids shall be provided, illustrating light levels during business hours and during hours that the business is closed.

(f) Luminous tube and exposed bulb fluorescent lighting shall be prohibited as an

architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. Internally illuminated architectural bands may be approved when it can be shown that the treatment will enhance the appearance of the building.

(2) *Window.*

(a) Any light fixtures visible through a window must be shielded to prevent glare at the property line.

(b) Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of §§ 152.110 through 152.122, below.

(3) *Other lighting.*

(a) *Internal illumination, building mounted awnings.* The internal illumination of building mounted awnings is prohibited unless the awning is opaque such that the light is only visible from beneath the awning.

(b) *Indirect illumination, signs, canopies.* Indirect illumination of signs, canopies and buildings is permitted provided it complies with the regulations in §§ 152.110 through 152.122, below.

(c) *Laser light source.* The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited, except for grand openings.

(d) *No flashing, moving or intermittent lighting.* Lighting shall not be of a flashing, moving or intermittent type.

(e) *Luminous tube, exposed bulb fluorescent lighting.* Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of the §§ 152.110 through 152.122, sign regulations, below.

(f) *Exemptions.* The following are exempt from the lighting requirements of this section, except that the Planning and Zoning Administrator may take steps to eliminate the impact of the above items when deemed necessary to protect the health, safety and welfare of the public.

1. Sports fields.
2. Swimming pools.
3. Holiday decorations, this section.
4. Window displays without glare.
5. Shielded pedestrian walkway lighting.
6. Soffit lighting.
7. Residential incandescent lighting with no off-site glare.
8. Street lights.

(4) *Lamp or light fixture substitutions.* Should any light fixture regulated under this section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Planning and Zoning Administrator for approval, together with adequate information to assure compliance with this code. The request must be received prior to substitution and shall not be made without Planning and Zoning Administrator approval.  
(Ord. passed - -)

#### **§ 152.091 CAR WASH STANDARDS.**

The following shall be the minimum conditions necessary for approval and operation of a car wash. Additional conditions may be required in order for a car wash to meet the standards in §§ 152.160 through 152.174, below, special uses.

(A) Fuel dispensing shall not be permitted with car wash operations in the C-5 Zoning District.

(B) All services, except vacuuming, shall be provided within the car wash building. Vacuuming service may be located in the front or side yards.

(C) Vehicles shall not be stored on the site overnight.

(D) All wash water shall be recycled. Residual water shall be discharged into a sanitary sewer. All such water shall be passed through sediment and pollutant filters or similar devices, including at least an oil separator, before discharge into the sanitary sewer.

(E) Driveways, parking spaces, and all other areas for maneuvering or standing of vehicles shall be paved. All remaining areas, except the building site, shall be landscaped. Concrete curbs shall be provided on all edges of pavement. The site shall provide only the pavement necessary for access, parking, and maneuvering and standing of vehicles. The remainder of the site shall be landscaped. Excess pavement shall not be permitted.

(F) The rear part of the site shall be screened from abutting properties or streets by landscape materials consisting of coniferous trees and shrubs, berms, architectural walls, or a combination of these materials. Existing vegetation may be used for screening, but supplemental materials may be required. The Planning Commission may require screening in the side parts of the site if the Commission determines that the screening is needed for protection of adjacent properties.

(G) The site shall provide at least one tree for each 40 lineal feet of pavement perimeter. Canopy trees shall be placed to improve the appearance of the property and to shade pavement area to the maximum feasible extent.

(H) The site shall also provide at least one tree for each 40 lineal feet of street frontage as street trees.

(I) Vehicles entering or leaving the site shall not create safety problems or unduly interfere with traffic flow on the access street. Driveways shall be designed so that entering traffic will not encroach into the exit lane of a driveway. Physical separation of entering and exiting lanes of driveways may be required. Driveways shall be designed so that right turn exiting traffic will be able to use the through traffic lane nearest the site and not encroach into other lanes of the access street. Restrictions may be placed on turning movements of exiting traffic. One-way traffic flow into and out of a site may be required.

(J) Driveway design and placement shall be consistent with the circulation and parking layout of the site and with § 152.089, commercial design standards, above. The site shall provide a dry-off area sufficient in size and drainage to prevent build-up of surface water or ice on the exit driveway.

(K) Parking shall not be permitted between the front face of the building and the right of way line of the access street. The requirement in this paragraph may be modified at the discretion of the Planning Commission for car washes in the C-4 District that have more than one use or building on the property.

(Ord. passed - -)

## **§ 152.092 WIRELESS COMMUNICATION FACILITIES REGULATION.**

(A) *Intent.* The village intends, by these regulations, to permit wireless communications facilities but to regulate the location and design of the facilities in a manner that would retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the village. This chapter sets forth procedures and standards for location of these facilities within the village. It is village policy that all users shall co-locate where feasible to assure the most economic use of land and to prevent proliferation of duplicative facilities and services. The village also intends that unused or unnecessary facilities will be removed. The regulations in this section are intended to be consistent with applicable federal laws and administrative rules.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) ***WIRELESS COMMUNICATIONS FACILITIES.*** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. These may include, but shall not be limited to, radio towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. This definition does not include a reception antenna for an individual lot as otherwise defined in this chapter.

(2) ***ATTACHED WIRELESS COMMUNICATION FACILITIES.*** Wireless communication facilities affixed to existing structures, including but not limited to buildings, towers, water tanks, or utility poles.

(3) ***WIRELESS COMMUNICATION SUPPORT STRUCTURES.*** Structures erected or modified to support wireless communication antennas. The term support structures includes, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers.

(4) ***CO-LOCATION.*** Location of two or more antennas of wireless communication providers of wireless communication services on a common support structure or building.

(5) ***WIRELESS COMMUNICATION ANTENNA.*** Any antenna used for transmission or reception of wireless communication signals excluding:

(a) Those used exclusively for dispatched communications by public emergency agencies.

(b) Ham radio antenna.



(c) Satellite antenna.

(d) Those which receive video-programming services via multi-point distribution services which are one meter (39 inches) or less in diameter.

(e) Those which receive television broadcast signals.

(f) Radio transmitters:

1. That transmit on bandwidths not regulated by the FCC.
2. Whose transmission output does not exceed 0.5 watts; and
3. That do not exceed 32 square-inch wind load from any angle.

(6) *Provider.* An entity which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

(C) *Approvals required.*

(1) Erection of a wireless communications support structure and related equipment shall require a special use permit in accordance with §§ 152.160 through 152.174, below.

(2) Attachment of a wireless communication antenna to an existing structure and installation of related equipment shall require a special use permit in accordance with §§ 152.160 through 152.174, below, except in the instances of co-location, in which the following division (F) shall apply.

(3) Co-location of wireless communication antennas and related equipment on a site with a valid special use permit shall be permitted by administrative approval, provided the co-location is consistent with all provisions of the special use permit.

(D) *Information required.*

(1) All information required in §§ 152.160 through 152.174, below.

(2) A preliminary site plan in accordance with §§ 152.190 through 152.202, below, plus elevation of the support structure and accessory buildings and equipment, colors of the support structure and accessory buildings and equipment, and a survey showing all structures and lot lines within the area needed to determine compliance with the setback requirements of this section.

(3) An engineer's report, prepared and signed by a professional engineer licensed in the State of Michigan, containing structural data and analysis of the support structure, the number of co-locations for which the structure is designed, and its predicted fall zone.

(4) A soils report prepared and signed by a geotechnical engineer licensed in the State of Michigan. The report shall include data on soil borings and statements confirming the suitability of soil conditions for the proposed support structure.

(5) Information to prove that the proposed facility is needed in the village, the location of

all existing facilities within the village and within five miles of the boundaries of the village, and the location of all potential co-location opportunities. The information shall include the location, height and design of each facility. The Planning and Zoning Administrator may share the information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate facilities within the jurisdiction of the village.

(6) The preliminary site plan shall show the number of co-locations available on the site and the location of all equipment areas needed to serve all antennas.

(7) A written agreement, transferable to all successors and assigns, that the property owner or operator of the facility shall make space available for co-location.

(8) 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 the time the facility is on the site.

(9) A maintenance plan, and any applicable maintenance agreement.

(10) An agreement and affidavit signed by the owner of the property and the owner of the facility which assures removal of the facility and restoration of the site at cost to property owner, if removal is required by this section. The agreement and affidavit may provide that all costs of removal and site restoration be levied as a lien on the property.

(E) *Standards.* Standards for a special use permit, as provided in §§ 152.160 through 152.174.

(1) Facilities shall be located, designed, and painted a color that will be harmonious with the surrounding area.

(2) All new and modified wireless communication support structures shall be designed to accommodate co-location, with a written agreement approved by the village legal counsel.

(3) The applicant shall demonstrate that a feasible co-location is not available for the coverage area and capacity needed.

(4) The applicant shall demonstrate that the requested height of the support structure is the minimum necessary for reasonable communication. The height of the support structure and antenna shall not exceed 195 feet, provided the height shall be less than the height that would require hazard lighting by the FAA.

(5) Minimum required setbacks for a new support structure:

(a) From single-family detached residential zoning districts, the height of the support structure and antenna plus 25 feet.

(b) From all other zoning districts, one-half the height of the support structure and antenna plus ten feet, provided that the setback is greater than the fall zone delineated in the engineer's report required herein. If the required setback is not greater, the minimum setback shall be the delineated fall zone plus ten feet.

(6) Landscaping shall be provided to screen the structure, base, accessory buildings, and ground equipment.

(7) Accessory buildings shall be finished with brick, provided the Planning Commission may waive this requirement for a building that is located in an industrial zoning district and is not visible from a public right of way or a lot in a non-industrial zoning district.

(8) A security fence shall enclose the facility. Notwithstanding § 152.083, above, fences may be up to ten feet in height and may have barbed wire, provided the wire is not less than ten feet above grade.

(9) Nonconforming conditions on the site, such as outdoor storage, signs, landscaping, unpaved parking, improper lighting, or similar conditions shall be removed prior to construction of the facility. If the site has a nonconforming building or structure, improvements shall be made to decrease the extent or impact of the nonconformity.

(10) The facility shall comply with and shall be operated in accordance with applicable federal and state standards. Operating or maintaining a facility not in compliance with these standards may be grounds for revoking the special use permit.

(11) The maximum height of accessory structures shall be 12 feet and shall meet setback requirements for principal buildings in that district.

(12) Unobstructed access shall be provided to each site. The minimum requirements shall be a 20-foot wide easement, improved with a 12-foot wide driveway constructed on a six-inch MDOT class II sub-base and an 8-inch 21A gravel base course. A turning area shall be provided for emergency vehicles. The access shall be maintained to be passable at all times.

(13) An attached wireless communication facility and its equipment enclosure that are proposed on a building roof shall be designed, constructed, and maintained to be architecturally compatible with the building. The equipment enclosure may be located in an accessory building.

(14) The support structure shall meet all applicable codes.

(15) The requirements of the Federal Aviation Administration, Federal Communications Commission, and Michigan Aeronautics Commission shall be met.

(F) *Co-location.*

(1) *Feasibility of co-location.* Co-location shall be deemed feasible for purposes of this section in the following circumstances:

(a) A provider will pay market rent or other market compensation for co-location.

(b) The support structure can support additional antennas, taking into account reasonable modification or replacement of the structure.

(c) Co-location is technically feasible.

(2) *Requirements for co-location.*

(a) A special use permit for a facility shall not be approved unless the applicant

demonstrates that a feasible co-location is not available for the coverage area and capacity the village needs.

(b) All new and modified wireless communications facilities shall be designed and constructed to accommodate the maximum number of providers for co-location.

(c) Failure or refusal of a provider to permit a proposed and feasible co-location shall be grounds for revoking the special use permit for that site.

(d) If a provider fails or refuses to permit a feasible co-location, the provider shall be prohibited from receiving approval for a new facility in the village for a period of five years from the date of failure or refusal.

(G) *Removal.*

(1) A condition of approval of a wireless communication facility shall be an adequate provision for removal of the facility upon occurrence of one or more of the following events:

(a) Failure to use the facility for 180 days or more.

(b) One hundred and eighty days after new technology is available at reasonable cost as determined by the village, which permits operation of the facility without the support structure. Each applicant shall certify its agreement to provide the village with information on the new technology if and when it is available as part of the approval process.

(2) Upon the occurrence of an event requiring removal of a facility, the property owner shall promptly apply for demolition or removal of the facility and proceed with removal of the facility and restoration of the affected area to a condition reasonably acceptable to the village.

(3) If a facility has not been removed within 60 days of the required removal date then, after 30 days of written notice to the provider, the village may cause removal and site restoration. All costs of removal and restoration shall be levied on the property as provided in the agreement and affidavit required in division (D)(10), above, removal of a facility shall void the special use permit for the site.

(4) The property owner shall notify the village in writing immediately upon cessation of operation of the facility.  
(Ord. passed - -)

**§ 152.093 ADULT MOTION PICTURE/PERFORMANCE THEATERS, ADULT BOOKSTORES/VIDEO STORES, SEXUALLY EXPLICIT NUDE ENTERTAINMENT.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT BOOKSTORE/VIDEO STORE.** An establishment having as a substantial or significant portion of its stock and trade, books, magazines or other periodicals as well as videos which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as the same are defined herein, or an establishment with a segment or section devoted to the sale or display of the material.

**ADULT MOTION PICTURE/PERFORMANCE THEATER.** An enclosed building used for presenting material, whether recorded or live, distinguished or characterized by an emphasis on matter depicting, describing to “specified sexual activities” or “specified anatomical areas” as the same is defined herein, for observation by patrons therein.

**SEXUALLY EXPLICIT NUDE ENTERTAINMENT.** The offering for observation by patrons or members of the public, whether or not a fee, compensation or other goods and services are sold or offered in conjunction therewith, of entertainment which is distinguished or characterized by an emphasis on acts depicting, suggesting, describing, displaying or relating to “specified sexual activities” or “specified anatomical areas.”

**SPECIFIED ANATOMICAL AREAS.** Less than completely and opaquely covered:

- (a) Human genitals, pubic region;
- (b) Buttock;
- (c) Female breast below a point immediately above the top of the areola; and
- (d) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.**

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy; or
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**USED.** Continuing course of conduct of exhibiting “specified sexual activities” and/or “specified anatomical areas” in a manner which appeals to a prurient interest.

(B) *Purpose.* In the development and execution of this chapter it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when located so as to have a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that their adverse effects will not contribute to blighting or downgrading of the surrounding neighborhood. These regulations are itemized in this section. The primary control or regulation is for the purpose of preventing the location of these uses within specified distances from residentially zoned land, single- or multiple-family dwellings, a church or other religious institution, or a public park or land zoned for the use.

(C) *Restrictions and prohibitions.*

(1) No person shall use, establish, build, operate, or allow to be operated an adult bookstore/video store, and adult motion picture/performance theater, or sexually explicit nude entertainment in any building or on any lands:

- (a) Within 1,000 feet from any residentially zones lands, or single- or multiple-family dwelling; or

(b) Within one mile from any church or other religious institution or any public park or land zoned for the use.

(2) An adult bookstore/video store or an adult motion picture/performance theater is only permitted within the I-1 Industrial Zone, and shall be located within the zone subject to the restrictions of this section relating to distance separation as set forth in division (C)(1) above.

(3) No person shall use, or allow to be used, any land or building within the village for sexually explicit nude entertainment, if any portion of the land or building is occupied, used, owned or leased by a licensee or permit under any license or permit issued by the Michigan Liquor Control Commission. Sexually explicit nude entertainment is only permitted in an I-1 Industrial Zone, and shall be located within the zone subject to the restrictions of this section relating to distance separations as set forth in division (C)(1) above.

(Ord. passed - -)

### **§ 152.094 MEDICAL MARIHUANA HOME OCCUPATIONS.**

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

(1) It is the purpose and intent of this section of the zoning ordinance to minimize the negative secondary effects associated with medical marihuana home occupations, and thereby promote the health, safety, and general welfare of the owners and customers of medical marihuana home occupations and the citizens and residents of the village, through licensing and regulating medical marihuana home occupations.

(2) It is not the intent of this section of the zoning ordinance to prohibit any use or activity guaranteed protection by the Michigan Medical Marihuana Act, but to enact regulations which address the possible adverse secondary effects of facilities used for the cultivation, sale or dispensation of medical marihuana; to ensure that the facilities are not covertly used for unlawful purposes not authorized by the Michigan Medical Marihuana Act; and to ensure that these types of facilities do not create or cause adverse effects that might contribute to the blighting or downgrading of the surrounding area.

(3) A primary goal of regulating these uses is to prevent a concentration of the uses in any one area of the village; to minimize or even prevent the possible adverse secondary effects of the uses; to ensure the integrity of the village's residential areas; and to protect the integrity of churches and other places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate. Nothing in this section shall be construed as permitting a violation of any state or federal law.

(B) (1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MEDICAL MARIHUANA HOME OCCUPATION.** A home occupation, governed by § 152.070, above, established for the purpose of carrying on the medical use of marihuana, as that term is defined by the Michigan Medical Marihuana Act, including, but not limited to, the cultivation, sale or dispensation of medical marihuana.

**MICHIGAN MEDICAL MARIHUANA ACT.** Initiated Law 1 of 2008; M.C.L.A. §§ 333.26241 *et seq.*

(2) *Other definitions.* Words and phrases used in this section shall have the same meanings as set forth in the Michigan Medical Marihuana Act, and the regulations adopted under the Michigan Medical Marihuana Act by the State of Michigan Department of Community Health, or any similar or successor agency.

(C) *Prohibition.* It shall be a violation of this chapter for any person to operate or cause to be operated a medical marihuana home occupation in the village without a valid license issued pursuant to the provisions of this chapter.

(D) *Location requirements.*

(1) A medical marihuana home occupation shall not be located or operated within 1,000 feet of any of the following existing land uses:

(a) Another medical marihuana home occupation (this requirement may be waived upon a determination by the Village Council that a second medical marihuana home occupation would not contribute to blighting or an excessive concentration of the uses).

(b) A church, synagogue, mosque or other place of religious worship, or a park, playground, school, or licensed day-care facility.

(2) The measurement of the above-stated isolation-distance requirement shall be made by extending a straight line from the property line of the medical marihuana home occupation to the nearest property line occupied by any of the land uses stated above.

(E) *Applicant's information.* An applicant seeking to establish a medical marihuana home occupation shall also submit the following:

(1) The applicant shall submit a floor plan of the premises showing the following:

(a) The location of the entry, demonstrating that there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

(b) Location of all lighting fixture used for the home occupation.

(c) Identification of any portion of the premises in which patrons will not be permitted.

(d) Identification of the use of each room or other area of the premises.

(e) Identification of any areas that will be used for the cultivation of marihuana, and the total square footage that will be used for this purpose.

(2) The applicant shall submit a current certificate and straight-line drawing, prepared within in 30 days prior to the application, by a land surveyor depicting the property lines and the structures of the proposed business, showing a circle extending 1,000 feet from the property line of the property on with the medical marihuana home occupation will be located, and depicting the property line of any church, synagogue, mosque, other place of religious worship, park, playground, school and licensed daycare facility.

(3) The applicant shall submit proof that the proposed operator of the medical marihuana home occupation has been issued a registry identification card, to serve as a registered primary caregiver.

(F) *Disallowance of a medical marihuana home occupation.* The village shall not allow a medical marihuana home occupation to operate if any of the following are true.

(1) An applicant is under 21 years of age.

(2) An applicant is overdue in payment to the village of fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a medical marihuana home occupation.

(3) The premises to be used for the medical marihuana home occupation have not been approved by the Building Inspector as being in compliance with applicable laws and ordinances.

(4) The applicant has operated a medical marihuana home occupation or business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application.

(5) The application fee has not been paid.

(6) The application for the proposed medical marihuana home occupation is in violation of or is not in compliance with any of the provisions of this section of the chapter.

(7) The applicant has ever been convicted of a felony involving illegal drugs.

(G) *Operational requirements.* A medical marihuana home occupation must comply with the following operational requirements.

(1) *Age requirement regulations.* No person under the age of 18 shall be permitted in the area of a dwelling used for a medical marihuana home occupation at any time, unless the person is a registered qualifying patient and is accompanied by a parent or legal guardian.

(2) *Hours of operation.* Hours of operation of a medical marihuana home occupation shall be limited to 8:00 a.m. to 8:00 p.m.

(3) *Inspection.* During regular hours of operation the owner of the dwelling or operator of the medical marihuana home occupation shall permit all representatives of the township, county, village and the State of Michigan to inspect the premises of the medical marihuana home occupation for the purpose of determining compliance with this chapter and other applicable laws.

(4) *Exterior structural requirements.* All medical marihuana home occupations shall comply with the following exterior structural requirements.

(a) The merchandise or activities of the medical marihuana home occupation shall not be visible from any point outside the dwelling.

(b) The exterior portion of a medical marihuana home occupation shall not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any kind.

(c) It shall be unlawful for the owner of the dwelling or operator of the medical marihuana home occupation to allow exterior portions of the facility to be painted any color other than neutral colors or colors consistent with dwellings in the immediate area.



(5) *Interior structural requirements.*

(a) The interior of the premises shall be configured in such a manner that there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

(b) Any interior space used for the cultivation of marihuana shall have an area not greater than reasonably necessary to support the cultivation of not more than 72 individual marihuana plants, and shall be located in a separate locked room that is not accessible to the general public.

(c) The interior premises shall be equipped with 24-hour electronic video surveillance equipment, sufficient in nature and scope to deter and detect unlawful theft of marihuana from the premises.

(6) *Standards of conduct.* The following standards of conduct shall be adhered to on the premises of the medical marihuana home occupation.

(a) The owner of the dwelling or operator of the medical marihuana home occupation shall not allow the illegal possession, use, or sale of alcohol or controlled substances on the premises.

(b) The owner of the dwelling or operator of the medical marihuana home occupation shall not illegally offer for sale or illegally allow to be consumed or possessed upon the premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.

(c) All activity of the medical marihuana home occupation, including but not limited to the cultivation, dispensing and sale of medical marihuana, shall be performed indoors.

(d) Smoking or consumption of medical marihuana shall not be allowed on any portion of the site of the medical marihuana home occupation by anyone other than the primary caregiver, and then only if in accordance with the Michigan Medical Marihuana Act.

(e) A medical marihuana home occupation shall be operated in compliance with any applicable rules promulgated by the Michigan Department of Community Health or the applicable state licensing agency.

(H) *License application.*

(1) All applicants for a medical marihuana home occupation license shall sign and file an application for the license with the Village Clerk. The applicant shall be named in each application.

(2) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Building Inspector.

(3) Application for a license, whether original or renewal, must be made to the Village Clerk by the primary caregiver of the medical marihuana home occupation. The primary caregiver shall be required to give the following information on the application.

(a) The application shall state the telephone number of the medical marihuana home occupation.

(b) The application shall state the address and legal description of the real property on which the medical marihuana home occupation is to be located.

(c) The application shall state whether the applicant had a previous medical marihuana home occupation license under this section of the chapter, or a medical marihuana home occupation or business from another city, village, township or county. The application shall further state if any previous license was denied, suspended or revoked; and the date of the denial, suspension or revocation.

(d) The application shall state whether the applicant holds any other licenses under this section or other similar medical marihuana home occupation or business ordinance from another city, village, township or county and, if so, the names and locations of the other permitted business or home occupation.

(e) The application shall state the applicant's driver's license number, social security number, or federally issued tax identification number.

(4) The application shall be accompanied by the following:

(a) Payment of the application and license fee, as established by resolution of the Village Council.

(b) Satisfactory proof that the applicant meets the requirements of this chapter and the Michigan Medical Marihuana Act.

(c) Documentation identifying the owner(s) of the real property on which the medical marihuana home occupation is to be situated.

(d) If the person(s) identified as the owner(s) of the real property identified above is (are) not also the operator(s) of the medical marihuana home occupation, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the operator(s) or proposed operator(s) of the medical marihuana home occupation to have or obtain the use and possession of the real property that is to be used to operate the medical marihuana home occupation.

(5) The application shall contain a statement under oath that:

(a) The applicant has personal knowledge of the information contained in the application and that the information in the application and furnished with the application is true.

(b) The applicant has read this section of the chapter.

(I) *Term of license.* All licenses issued pursuant to this chapter shall be for a term of one year. The term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated as if they were filed January 1 of that year and shall terminate on December 31 of the same year, and no proration of fees shall be permitted.

(J) *Revocation of license.*

(1) The Village Council shall revoke a license if a cause of suspension occurs and the

license has been suspended within the preceding 12 months. The Village Council shall also revoke a license if it determines that any of the following has occurred.

(a) Any condition that exists that would warrant disapproval of a license as set forth in this chapter.

(b) The medical marihuana home occupation operator has engaged or has allowed others to engage in acts of misconduct on the licensed premises in violation of any village ordinance or the laws of the State of Michigan or of the United States, when the operator knew or should have known such acts were taking place; which include but are not limited to having more than 12 plants per patient, two and one-half ounces, or dispensing to anyone other than one of their five registered patients; or

(c) Repeated disturbances of the public peace have occurred within the medical marihuana home occupation or upon any parking areas, sidewalks, access ways or grounds of the medical marihuana home occupation.

(2) When the Village Council revokes a license, the revocation shall continue for one year. The licensee shall not be issued a license under this chapter for one year from the date revocation became effective. If, subsequent to revocation, the Village Council finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.

(K) *Transfer of license.* Any license granted under this chapter shall be non-transferable. A licensee shall not transfer any license to another individual or business, nor shall a licensee operate a medical marihuana home occupation under the authority of a license at any place other than the address designated in the application for the license.

(L) *Penalties.* Any person violating this medical marihuana home occupation chapter shall be guilty of a misdemeanor.  
(Ord. passed - -)

## ***SIGNS***

### **§ 152.110 PURPOSE.**

(A) It is the purpose of this subchapter to provide regulations and requirements that supplement the provisions contained under the respective district regulations in §§ 152.050 through 152.056, and may or may not apply in all zoning districts.

(B) Additionally, the purpose of this subchapter is to regulate signs and outdoor advertising so as to protect property values, to protect the character of the various neighborhoods in the village, to protect health, safety and to promote the public welfare.

(C) The principal features of this subchapter are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building shall be deemed to be accessory and incidental to the land, building or use. It is intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive for the intended purpose of

identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in their demand for public attention.

(D) This subchapter also recognizes the unique character of the downtown commercial district of the village and the importance of signs to that character. The regulations in this subchapter that apply to the C-1 District are designed to protect that character by promoting the following purposes:

(1) Signs should be designed as part of an overall graphic design for the building to which it will be attached.

(2) New signs should respect the size, scale, and historic character of the building.

(3) New signs should respect all adjacent buildings; they should not shadow or overpower adjacent buildings.

(4) Sign materials should be consistent with the historic character of the building.  
(Ord. passed - -)

#### § 152.111 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED SIGN.** A sign which advertises a bona fide business, lessor, owner, product or activity no longer conducted or available upon the premises where the sign is displayed.

**BILLBOARD.** See *OUTDOOR ADVERTISING SIGN* or *OFF SITE SIGN*.

**BUSINESS CENTER.** A group of three or more stores, offices, research facilities, or manufacturing facilities which collectively have common parking facilities.

**CANOPY or MARQUEE SIGN.** Any sign attached to or constructed within or on a canopy or marquee.

**DISTRICT.** Zoning district as established by the village zoning ordinance.

**FREE-STANDING SIGN.** A sign supported by a structure independent of any other structure.

**HEIGHT OF SIGN.** The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway which permits the greatest height to the highest point of the sign.

**IDENTIFICATION SIGN.** A sign which carries only the name and address of a building, institution or person and/or firm, the major enterprise, of the principal product or service offered for sale on the premises or a combination of these things only to identify location of the premises and not to advertise. The signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product or service is offered for sale.

**OFF-SITE SIGN (OFF PREMISES SIGN).** A sign other than an on-site sign.

**ON-SITE SIGN (ON PREMISES SIGN).** A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.

**OUTDOOR ADVERTISING SIGN.** A sign, including billboards, upon which the written or pictorial information advertises a use, product service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

**SIGN.** Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, or any person, firm, organization, place, commodity, service, business, profession or industry which is located upon any land or in any building, in such manner as to attract attention from outside the premises.

**TEMPORARY SIGN.** A sign which is intended to be displayed for a limited period of time in conformance with section § 152.118, temporary signs, below.

**WALL SIGN.** A sign attached to, erected against or painted upon the wall of a building with the face in a plane or parallel to the plane of the building wall.

**WINDOW SIGN.** A sign installed or painted on a window for the purpose of viewing from outside the premises. This term does not include merchandise located in a window.  
(Ord. passed - -)

## § 152.112 GENERAL SIGN REGULATIONS.

No signs or billboards shall be permitted, erected, or maintained, in any district except as provided in this chapter. The following regulations shall apply to signs throughout the village.

(A) *Illuminated or electronic signs.*

(1) *Residential Districts.* Only indirectly illuminated signs shall be allowed in any residential district provided the sign is so shielded as to prevent direct rays from being visible from the public right-of-way or any adjacent property.

(2) *Commercial and Industrial Districts.* Illuminated signs are permitted in any commercial or industrial district, providing the sign is so shielded as to prevent direct rays from being visible from the public right-of-way or any adjacent residential property.

(3) *All districts.* In all zoning districts, no electronic surface, reflective-type bulb, strobe light, or similar lamp shall be used on the exterior surface of any sign so that the face of the surface, bulb, light or lamp is visible to any public right-of-way or adjacent property.

(B) *Measurement of sign area.* The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in the computation of sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two faces are placed back to back, parallel to one another and no more than 24 inches apart, the area of the sign shall be the area of one face.

(C) *Height of signs.* Except where specified otherwise in this chapter, no sign shall exceed a height of 25 feet.

(D) *Setback requirements for signs.* All signs shall be set back from lot lines in accordance with the requirements of the following table:

RS-1	Wall mounted
RM-1	25 Feet
MH-1	25 Feet
C-1	20 Feet
C-5	See § 152.116, below
I-1	30 Feet

(Ord. passed - -)

### § 152.113 SIGNS PERMITTED IN ALL DISTRICTS.

Subject to the other conditions of this chapter, the following signs shall be permitted anywhere in the village.

(A) Name, directional and information signs and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permission of the Planning/Zoning Commission in accordance with § 152.122, below. Each sign shall be not more than three square feet in area, and shall not exceed eight feet above grade measured to the top of the sign and shall be set back a minimum of ten feet from the property line. If more than two signs are to be placed at one location, all the signs must be consolidated and confined with a single frame.

(B) One announcement bulletin for a place of religious worship shall be permitted on any site which contains a place of religious worship, regardless of the district in which located, provided the bulletin does not exceed 24 square feet in area, a maximum height of six feet and is set back a minimum of ten feet from the property line.

(Ord. passed - -)

### § 152.114 PROHIBITED SIGNS.

Unless otherwise permitted, the following signs are prohibited and shall not be permitted, erected, or maintained within the village.

(A) *Miscellaneous signs and posters.* Tacking, posting or otherwise affixing of signs or posters of a miscellaneous character, except signs warning of a change on the premises and temporary signs, placed in windows not exceeding a maximum area of three square feet visible from a public way, located on the walls of other buildings, barns, sheds, on trees, poles, posts, fences or other structures is prohibited unless otherwise permitted by this chapter.

(B) *Moving signs.* Except as otherwise provided in this section, no sign or any portion thereof

shall be permitted which moves or assumes any motion constituting a non-stationary or fixed condition except for the rotation of barber poles, and except currently licensed vehicles and trailers which have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner, or vehicles operated by municipalities and emergency vehicles.

(C) *Parking of advertising vehicles prohibited.* No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device which has the purpose of directing people to a business or activity which is located on the same or nearby property or any other premises, except that currently licensed vehicles and trailers which have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner shall be permitted.

(D) *Unclassified sign.* The following signs are prohibited:

(1) Signs which imitate an official traffic sign or signal which contains the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words except as otherwise provided in this section.

(2) Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal which obstruct the view in any direction at a street or road intersection.

(3) Signs which contain statements, words, or pictures of an obscene, pornographic or immoral character.

(4) Signs which are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence.

(5) Roof signs except that a wall sign may extend 4 feet above the top line of the wall to which it is affixed.

(6) Signs which are painted directly onto the wall or any other structural part of a building.  
(Ord. passed - -)

### **§ 152.115 SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS.**

(A) One identification sign shall be permitted for each public street frontage, for the purpose of identifying a subdivision, a multiple-family building development or mobile home park. Each sign shall not exceed 18 square feet in area. One additional sign advertising “FOR RENT” or “VACANCY” may be placed on each frontage of a rental residential development provided that the sign shall not exceed three square feet in area and be incorporated into the identification sign.

(B) One identification sign shall be permitted for each public street frontage for the purpose of identifying a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed 18 square feet in area. Signs in all residential districts shall be placed flat against a building or designed as part of an architectural feature thereof except that signs may be detached if they do not exceed a height of eight feet nor project into any required building setback area.

(C) One identification sign for a home occupation not to exceed two square feet in area and it shall be attached flat against the front wall of the building.

(D) One identification sign for a licensed day-care facility not to exceed three square feet in area and it shall be attached flat against the front wall of the building. Approved day-care facilities in all other zoning districts shall conform to the sign requirements of the district.  
(Ord. passed - -)

**§ 152.116 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

On-site canopy or marquee signs, wall signs, and free standing signs are allowed in commercial and industrial districts subject to the following conditions:

(A) Each ground floor business is permitted exterior onsite signs which have a total area in accordance with the following table. The total area of the signs shall not exceed 200 square feet.

<i>Sign Area Table</i>	
<i>District</i>	<i>Permitted Sign Area</i>
C-1	1/2 sq. ft. per 1 L.F. * or 24 sq. ft. whichever is greater
C-5	1 sq. ft. per 1 L.F. or 40 sq. ft. whichever is greater
I-1	1 sq. ft. per 1 L.F. or 80 sq. ft. whichever is greater
*L.F. = linear foot of ground floor frontage on a single public right-of-way	

(B) All signs in the Central Business District (C-5) shall be wall signs, except as provided for in the C-5 District in division (J), below. Exceptions shall also be permitted in the C-5 District where the principal use of the lot is the sale of new or used vehicles.

(C) No single business shall have more than one freestanding sign for each street frontage and the sign shall not exceed 80 square feet in area. All signs in the C-5 District shall be wall signs except as provided for the C-5 District in division (J), below.

(D) Not more than two signs shall be allowed for any one business with frontage on a single public street, except a business without ground floor frontage shall be permitted a wall sign to advertise the business, provided that the total area of all exterior signs on any building shall not exceed the total sign area permitted for business in the building having ground floor frontage. Any business with a rear customer entrance shall be permitted an additional identification sign at the entrance not to exceed six square feet in area.

(E) One free-standing identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings. The sign area shall not exceed one square foot per front foot of building on buildings for which it is erected; however, the sign shall not exceed 200 square feet in area. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each frontage. Individual free-standing signs shall not be permitted where tenants of the business center are under one roof.



(F) Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than 25% of the total window area of the floor level on which displayed. Signs placed on the inside of windows which advertise a sale or announce a promotion shall be exempt from these provisions provided the signs are temporary and are not located in the window for a period which exceeds 30 days.

(G) A time temperature sign shall be allowed in addition to the above conditions provided that ownership identification or advertising copy does not exceed 10% of the total sign area and further provided that the total area of the sign does not exceed 50 square feet.

(H) No canopy or marquee sign shall extend into a public right-of-way except by permission of the Planning/Zoning Commission. In granting permission for such a canopy or marquee sign the Planning/Zoning Commission shall assure that the minimum height of the sign is eight feet measured from the sidewalk surface to the bottom edge of the sign and does not obstruct pedestrian or vehicular view. The square footage of the signs shall be subtracted from the square footage allowed by this section.

(I) One permanent sign for the purpose of advertising gasoline prices when mounted on a free-standing sign may be installed, provided that clear views of street traffic by motorists or pedestrians are not obstructed in any way. The sign shall not exceed nine square feet in area.

(J) A sign mounted perpendicular to a building wall in the C-5 District will be permitted provided the proposed sign complies with the master plan and is also subject to the following conditions:

(1) Each building frontage in the C-5 District shall be permitted one sign mounted perpendicularly to the front wall. The signs may advertise only the business, products, or services located within the building to which the sign is mounted. A business that occupies more than one building frontage shall be permitted only one perpendicular sign except corner buildings, in which case the business shall be permitted one perpendicular sign on each street frontage. The area of the perpendicular sign shall be included in the total sign area that is permitted in division (A) above.

(2) A perpendicular sign shall not exceed ten square feet and shall not extend more than 36 inches from the front wall of a building located on Main Street. Sign thickness may not exceed 12 inches.

(3) A sign shall be mounted at a minimum height of nine feet, measured from the surface of the sidewalk to the bottom edge of the sign.

(4) A sign shall not exceed a height of 22 feet, measure from the surface of the sidewalk to the top edge of the sign.

(5) Signs shall not be illuminated, either directly or indirectly, and shall not have moving, flashing, or animated parts, except as provided in § 152.114(D), above.

(6) Perpendicular signs shall be constructed of natural wood, metal, or woodlike materials, shall have raised or engraved lettering, and shall be painted or finished in colors that are appropriate for the building and other signs in the C-5 District. Blaze or glowing colors or materials shall be prohibited.

(7) No sign may be placed less than ten feet, measured laterally, from any sign on an adjacent building and shall be at least five feet from the ends of the building's frontage wall.

(8) Buildings having a frontage on more than one of the following streets may have a sign mounted at an angle of 45 degrees to the building's corner with those streets (Main, Church, Union, Michigan Avenue) The signs shall be in place of the perpendicular signs permitted on each street frontage. No part of the sign shall project more than five feet from the corner of the building.

(9) Signs shall be securely attached to the building wall in a manner that will protect the building's historic character and ensure pedestrian safety. Anchors shall penetrate mortar joints rather than bricks. Sign loads shall be properly calculated and distributed.

(10) The owner of a building shall be responsible for allocating permitted sign area among tenants operating businesses within that building.  
(Ord. passed - -)

### **§ 152.117 OUTDOOR ADVERTISING SIGN (BILLBOARD ADVERTISING).**

Highway billboard type outdoor advertising signs are not permitted within the village.  
(Ord. passed - -)

### **§ 152.118 TEMPORARY SIGNS.**

Un-illuminated, on-site temporary exterior signs may be erected in accordance with the regulations of this chapter.

(A) In all single-family and two-family districts one sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed 32 square feet in area. Each sign shall be removed after the sale of 90% of all lots or units within the subdivision or development or within two years after date of erection whichever occurs first.

(B) In the Multiple-Family District one sign on each street frontage of a new multiple-family development advertising the new dwelling units for rent or sale, not to exceed 32 square feet in area shall be permitted. Each sign shall be removed after initial rental or sale of 75% of the dwelling units within the development or within two years after date of erection, whichever occurs first.

(C) One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign shall not exceed six square feet overall, with not more than a total of three such signs permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification sign, the sign shall not exceed 24 square feet, with not more than one sign permitted on one site. All signs shall have a maximum height of ten feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within 14 days of the issuance of a certificate of occupancy.

(D) One temporary "opening soon" or other informational sign shall be permitted in all commercial, office and industrial district for a period not to exceed 60 days. The sign shall not exceed 32 square feet in area and shall be at least ten feet behind the property line.  
(Ord. passed - -)

### **§ 152.119 EXEMPTED SIGNS.**

(A) Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.

(B) Temporary signs announcing any public, charitable, education or religious event or function, located entirely within the premises on which the event or function is to occur, and set back not less than ten feet from the property line. Maximum sign area shall be 32 square feet. The signs shall be allowed no more than 14 days prior to the event or function and must be removed within seven days after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level. Off-site signs for the events and functions are permitted when approved by the Planning Commission, in accordance with § 152.122 below. The Planning Commission shall, as part of any approval, list the number, location and size of the off-site signs.

(C) Names of buildings, dates of erection, monument citations, commemorative tablet, and the like, when carved into stone, concrete or similar material or made of other permanent type construction and made an integral part of the structure. The sign shall not exceed a maximum area of two square feet for each one square foot of building frontage on a public street.

(D) (1) Signs directing traffic movement onto a property or within a property not containing any advertising copy or logo and not exceeding eight square feet in area for each sign. Horizontal directional signs, on and flush with paved areas, may exceed eight square feet.

(2) Temporary real estate directional signs, not exceeding three square feet in area and four in number, showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an open house, only for the day of the open house. The top of the signs shall not exceed three feet in height.

(E) Political campaign signs for candidates or ballot issues shall be permitted during an election cycle provided no signs shall be placed in the public right-of-way. Signs shall not exceed 32 square feet in area. The signs shall be allowed during the cycle of the election however the signs shall be removed after the election. The signs shall conform to state and federal election laws.

(F) One temporary real estate "For Sale" or "For Lease" sign located on the property and not exceeding six square feet in area shall be permitted for each lot. If the lot or parcel has multiple frontage one additional sign not exceeding six square feet in area shall be permitted on the property on each frontage. Under no circumstances shall more than two such signs be permitted on a lot or parcel. The signs shall be removed within 30 days following the sale.

(G) Where a building is equipped with a front awning the name and address of the occupant not to exceed three square feet may be placed on the awning.

(Ord. passed - -)

## **§ 152.120 NONCONFORMING SIGNS.**

No nonconforming sign shall:

(A) Be structurally altered so as to prolong the life of the sign or so as to change the shape, size type or design of the sign.

(B) Be changed unless the change is in conformance with the provision of this chapter except words or symbols displayed on the sign may be changed.

(C) Be re-established after the activity, business or usage to which it related has been discontinued for 90 days or longer except for seasonal business. In the case of a seasonal business the activity, business or usage to which the sign relates shall have been discontinued for a period of 270 days.

(D) Be re-established after damage or destruction if the estimated expense of reconstruction exceeds 60% of the replacement cost as determined by the Planning Commission and Zoning Administrator.

(Ord. passed - -)

### **§ 152.121 PERMITS AND FEES.**

(A) Application for a permit to erect or replace a sign or to change copy thereon, shall be made by the owner of the property, or his or her authorized agent, to the Planning Commission, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs erected pursuant to §§ 152.113, 152.115 through 152.118, shall be established by resolution of the Village Council.

(B) An application for a sign permit shall contain the following:

(1) The applicant's name and address in full, and a complete description of his or her relationship to the property owner.

(2) If the applicant is other than the property owner, the signature of the property owner concurring in subtotal of the application is required.

(3) The address of the property.

(4) An accurate survey drawing of the property showing location of all buildings and structures and their uses, and locations of the proposed sign.

(5) A complete description and scale drawings of the sign, including all dimensions and area in square feet.

(C) All signs shall be inspected by the Planning and Zoning Administrator for conformance to this chapter prior to placement on the site.

(D) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit.

(E) Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural of size change is made, shall not require a sign permit.

(F) Signs for which a permit is required shall be inspected periodically by the Planning and Zoning Administrator for compliance with this chapter.

(Ord. passed - -)

**§ 152.122 REQUIRED PROCEDURES STANDARDS AND FINDINGS BY THE ZONING BOARD OF APPEALS.**

Where permission of the Planning Commission for erection of any sign is required by this chapter, the commission shall review the particular circumstances and facts of any application for each proposed sign in accordance with the following procedures standards processes and findings:

(A) *Procedures.*

(1) The Planning Commission shall hold a public hearing upon each application in accordance with § 2 of Appendix C at the end of this chapter.

(2) Make a record of the hearing and written findings of the Commission approving or disapproving the application.

(B) *Standards and findings.*

(1) The sign shall be harmonious with and in accordance with the general objective, intent and purposes of this chapter.

(2) The sign shall not be hazardous or misleading to vehicular traffic or pedestrians.

(3) The sign shall not be disturbing to existing neighborhood uses.

(4) The sign will be constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

(Ord. passed - -)

***PARKING AND LOADING***

**§ 152.140 GENERAL REQUIREMENTS FOR OFF-STREET PARKING.**

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. The off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of the spaces are provided elsewhere in conformance with this chapter.

(Ord. passed - -)

**§ 152.141 PLANS.**

Plans and specifications showing required off-street parking spaces, including means of access and interior circulation shall be submitted to the Planning Commission for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

(Ord. passed - -)

**§ 152.142 LOCATION OF OFF-STREET PARKING AREAS.**

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof except that this distance shall not exceed 150 feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that the facility is required to serve.  
(Ord. passed - -)

#### **§ 152.143 RESIDENTIAL DISTRICTS.**

(A) Parking of passenger vehicles in residential districts is permitted. One commercial vehicle of the light delivery type not to exceed one ton is permitted per dwelling unit. The parking of any other type of commercial vehicle, or commercial trailer, except those parked on village, school or church property, is prohibited in a residential zone.

(B) Parking of a recreational vehicle, travel trailer, utility trailer, boat trailer or snowmobile trailer shall be permitted provided it is parked behind the front line setback of the dwelling and is not occupied at any time in any single-family district. A recreational vehicle or travel trailer may be occupied by the property owner on occasion, for recreational purposes only for a maximum of not more than 14 days annually.  
(Ord. passed - -)

#### **§ 152.144 OFF-STREET PARKING AREA DESIGN.**

In the C-1 District, off street parking lots shall be located behind the front line of the principal building. In the C-5 District, parking is limited to a single row of curb facing street parking on the north and south sides of Main Street. During the months of November through April, no overnight parking (11:00 p.m. to 6:00 a.m.) is permitted in the C-5 District.

(A) Each off-street parking space for automobiles shall be not less than 10 feet by 20 feet in area, exclusive of access drive or aisles, and shall be of usable shape and condition. The paved length of spaces that abut a lawn or other landscaped areas or a sidewalk may be reduced to not less than 18 feet measured from back of curb or edge of pavement without a curb. In such case, no part of a parked vehicle may overhang a setback line required for parking.

(B) There shall be provided a minimum access drive of 12 feet wide at the sidewalk and 14 feet wide at the street. Where a turning radius is necessary, it will be of such an arc to reasonably allow unobstructed flow of vehicles.

(C) Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of the aisles shall be:

- (1) Ninety-degree parking: 22 feet;
- (2) Sixty-degree parking: 18 feet;
- (3) Forty-five-degree parking: 13 feet;
- (4) Parallel parking: 10 feet.

(D) The following provisions shall apply to all off-street parking areas in the village except where more restrictive provisions are listed elsewhere in this chapter:

(1) In the RS-1, RM-1, and MH-1 Districts off-street parking is prohibited in any required yard except parking for a single- or two-family residence is permitted on the driveway of the residence. Parking in the front yard area of these districts is also prohibited.

(2) In the C-1 and I-1 District, except where more stringent requirements are required in this chapter, all off-street parking spaces shall be not closer than five feet to any property line, except where the property line abuts a residential district in which case the parking shall be no closer than 20 feet to the property line and shall be provided with a wall, opaque fence or compact planting strip along the property line.

(3) In the C-1 District, off street parking lots shall be located behind the front line of the principal building.

(E) All off-street parking areas in all zoning districts shall be drained so as to prevent drainage to abutting properties. Driveways and parking spaces in all zoning districts shall be paved. This requirement shall not apply to driveways and storage areas used exclusively by construction vehicles, trucks over one-half-ton loading capacity, equipment truck terminals, contractors storage yards, lumber yards and similar establishments. In addition, the requirement for paved driveways shall not apply to single-family or multi-family dwellings existing prior to the adoption of this chapter. In the areas, crushed, compacted limestone, or approved equal, may be substituted for pavement. Pavement, including base construction, and crushed limestone, or approved equal, shall meet the minimum standards of the village. All driveways, vehicle storage areas, and parking spaces, not paved, shall be maintained in a dust free condition. Lighting fixtures used to illuminate any off-street parking area shall comply to § 152.090, above, and shall be arranged as to reflect the light away from any adjoining residential lot or institutional premises.

(F) Any off-street parking providing spaces for five or more vehicles shall be effectively screened on any side with adjoins or faces property adjoining a residential lot or institution, by a wall, fence or compact planting not less than four feet in height. Planting shall be maintained in good condition and not encroach on adjoining property.

(G) All off-street commercially zoned parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street areas of one- or two-family dwellings.

(H) All off-street parking areas shall comply with § 152.087, above, (landscaping) and the landscaping standards adopted by the Planning Commission.

(Ord. passed - -)

## **§ 152.145 COLLECTIVE PARKING.**

Requirements for the provision of parking facilities for two or more property uses of the same or different types may be satisfied if the permanent allocation of the required number of spaces designated is not less than the sum of the individual requirements.

(Ord. passed - -)

**§ 152.146 DETERMINING REQUIREMENTS.**

For the purpose of determining off-street parking requirements the following units of measurements shall apply:

(A) *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 the floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, ventilators and heating systems, unoccupied basements and similar uses.

(B) *Places of assembly.* In churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 18 inches of the seating facilities shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.

(C) *Fractions.* When units of measurement determining the number of required parking spaces results in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.  
(Ord. passed - -)

**§ 152.147 SCHEDULE OF REQUIRED PARKING SPACES.**

The minimum number of required off-street parking spaces shall be as set forth in the following schedule. If a use is not specifically listed, the requirement for a similar or related use shall apply. In reviewing a site plan the Planning Commission may limit the number of spaces provided to not more than the number of spaces required by this section unless the applicant can demonstrate that the additional spaces will be needed or that the requirement in this section is not reasonable for the proposed use.

<i>Schedule of Required Parking Spaces</i>	
<i>Residential Districts:</i>	
Single- and two-family dwellings	2 spaces per dwelling unit
Multiple-family dwellings	2 spaces per dwelling unit
Mobile or manufactured homes in a mobile home or manufactured home park	2 spaces per dwelling unit plus additional spaces shall be provided for park maintenance vehicles at the park office
	1 visitor space for every 3 homes
Dependent housing facilities including convalescent homes, nursing homes, rest homes, etc.	1 space per each 4 beds or 2 rooms, whichever is less plus spaces sufficient for outpatient rehabilitation services plus 1 space for each employee/trainee



**Public Facilities:**

March 26, 2013

Auditoriums, assembly halls and sports arenas with fixed seating	1 space per each 3 seats or 6 lineal feet of bleachers
Lodges, union halls, fraternal orders, private and civic clubs and similar uses	1 space per every 3 persons of capacity authorized by building code
Child care centers, adult day-care facilities	2 spaces plus 1 additional space and 1 drop-off space per each 10 children/adults of authorized capacity
Churches, temples and other places of worship	1 space per each 3 seats or 6 feet of pews in the main unit of worship, plus required spaces for any accessory uses such as a school, child care center, recreation facilities, etc. The number of spaces required may be reduced if the church is located with a 500 ft. of a municipal parking lot
Community centers including senior center, cultural centers and teen centers	1 space per 250 sq. ft. of floor area, or 1 space per every 4 persons permitted by occupancy, plus 1 space per employee during peak shift
Group day-care homes, adult foster care group homes, and adult congregate care facilities	1 space per 4 residents, plus 1 space per employee, plus adequate drop-off spaces
Municipal office buildings	1 space per 250 sq. ft. of floor area
Public libraries and museums	1 space per 200 sq. ft. of floor area
Post offices	1 space per 100 sq. ft. of floor area (available for public use), plus 1 space for each employee and 1 space for each delivery vehicle stored on the site
Public utility	1 space per employee
Schools, primary (elementary) and intermediate (junior high or middle schools)	2 spaces per classroom plus 2 drop-off spaces per classroom and spaces required for any assembly hall, auditorium, outdoor arena or athletic fields
Schools, secondary (high schools), colleges, business and vocational schools and technical training facilities	1 space per 4 students (based on building capacity), plus instructor/employee spaces and spaces required for any assembly hall, outdoor arena or athletic fields

***Office Facilities:***

Branch banks, financial institutions and ATMs	1 space per 300 sq. ft. of floor area, plus 2 spaces per each ATM device, plus 4 stacking spaces per each drive-through window
Business offices and professional services	1 space per 250 sq. ft. of floor area
Medical and dental clinic/offices	1 space per 200 sq. ft. of floor area
Veterinary offices, clinics or hospitals	1 space per 250 sq. ft. of floor area, excluding kennels or boarding area

***Commercial/Retail/Service Facilities:***

Automobile gasoline stations	1 space per each pump, plus 1 space per employee, plus spaces required for any convenience store (mini-mart), restaurant or auto wash
Automobile and vehicle service centers and auto repair establishments	3 spaces for each service bay (bay can be included as space), plus 1 space per employee, plus 1 space for each tow truck, plus 1 space for each 500 sq. ft. of floor area devoted to sales of automotive goods
Automobile and vehicle dealerships including recreational vehicles, boats, motorcycles and mobile homes	1 space per 400 sq. ft. of floor area or interior sales space, plus 3 spaces per each service bay (bay can be included as space)
Automobile washes (automatic)	1 space per employee during peak shift, plus 10 stacking spaces per bay (freestanding) or 6 spaces (accessory to gas station)
Automobile washes (self-service or coin operated)	2 spaces per bay for drying, plus 3 stacking spaces per wash bay
Bars, taverns, lounges and brewpubs (majority of sales consist of alcoholic beverages)	1 space per 75 sq. ft. of floor area
Barber shops, beauty salons and tanning facilities	2 spaces for each barber or beautician's chair/station plus 1 space for each employee
Book stores	1 space per 200 sq. ft. of floor area
Business and personal service establishments	1 space per 300 sq. ft. of floor area, plus 2 stacking spaces per drop-off station

Conference, meeting or banquet/exhibit  
rooms

1 space per every two persons of  
capacity authorized by building code

Discount stores, home improvement, warehouse clubs and department, hardware and appliance stores	1 space per 200 sq. ft. of floor area including outdoor sales space
Funeral homes and mortuary establishments	1 space per 200 sq. ft. of floor area or service parlors, chapels, and reception area, plus 1 space per each funeral vehicle stored on the premises
General retail, business and service uses not otherwise specified herein	1 space per 200 sq. ft. of floor area
Grocery store or convenience store (mini-marts), with or without gasoline service	1 space per 250 sq. ft. of floor area, plus spaces required for automobile gasoline stations
Home furnishings including furniture, carpet, flooring, lighting and wallpaper stores	1 space per 500 sq. ft. of floor area
Kennels (commercial) and animal grooming establishments	5 spaces, plus 1 space for each employee
Laundromats	1 space per each two washing machines, plus 1 space for each employee
Mini-or self-storage warehouses	5 spaces
Motel, hotel, bed and breakfast inn, boarding houses and similar uses	1 space per guest room plus 1 space for each 2 employees
Open air businesses including nurseries, garden centers and other outdoor display, sales and storage uses	1 space per 500 sq. ft. of area or outdoor display, sales and storage area, plus 1 space per 200 sq. ft. of floor area of indoor space, plus 1 space per employee
Pharmacies	1 space per 500 sq. ft. of floor area plus 3 stacking spaces for each drive-through window
Restaurants	1 space for each 2 patrons based on the maximum number of patrons permitted by the fire code plus 1 space for each employee per maximum shift
Restaurant - carry-out and open front window, with less than 6 tables and/or booths	6 spaces, plus 1 space per employee during peak shift
Shopping centers	1 space per 250 sq. ft. of floor area, plus spaces required for any restaurants and/or out lot parcel

Small engine and equipment repair, sales or lease 1 space per 500 sq. ft. of floor space

<b><i>Recreation/ Entertainment Facilities:</i></b>		
Billiard hall and arcades		1 space per 200 sq. ft. of floor area or 1 space per person of capacity authorized by building code, whichever is greater
Golf courses (miniature and par 3)		2 spaces per employee, plus spaces required for any accessory structures
Health, fitness or recreation centers/clubs not otherwise specified herein		1 space per 250 sq. ft. of floor area, plus required spaces for swimming pools, restaurants and other similar uses
Swimming pools (public)		1 space per each 3 person of capacity authorized by the building code
Tennis courts and racquetball centers		3 spaces per court, whichever is greater
<b><i>Industrial Facilities:</i></b>		
Industrial, manufacturing, testing labs, research, design and development centers		5 spaces, plus 1 space per 500 sq. ft. of floor area, or 1.2 spaces per employee, whichever is greater, plus a space for each corporate vehicle, plus spaces required for any office or sales area
Warehousing establishments (non retail)		1 space per 1,000 sq. ft. of floor area

(Ord. passed - -)

**§ 152.148 EXCEPTION.**

(A) The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission finds that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land used parking areas can be advantageously used during non-conflicting hours by other contiguous land use. In that event, the required parking spaces for the particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of the contiguous land uses. If not site plan is involved, the Planning and Zoning Administrator may make the above determination.

(B) Construction of some of the required parking spaces may be deferred if the owner agrees that a lesser number of spaces will be sufficient for the use proposed. The site plan shall show all required spaces, including deferred spaces. The property owner shall agree in writing to construct some or all of the deferred spaces upon written order of the Planning Commission. Storm water calculations shall be provided to verify adequate capacity if an expansion is necessary. The site plan shall not the area where parking is being deferred, including dimensions and parking lot layout.

(C) Off-street areas used for display and sales of automobiles, boats, trucks, motor homes and similar vehicles, shall be exempt from this chapter except that the following shall apply:

(1) All display areas shall be paved and drained so as to prevent drainage to abutting properties. Vehicles shall only be displayed on the paved surface.

(2) Lighting fixtures used to illuminate any display areas shall comply with § 152.090, above.

(3) All display areas shall be effectively screened on any side which adjoins or faces a residential lot or institution, by a wall, fence or compact planting not less than four feet in height. Planting shall meet the landscape standards of the village.

(4) All display areas shall meet the setback required for principal uses within the zoning district.

(Ord. passed - -)

#### **§ 152.149 STORAGE AND REPAIR.**

The use of parking spaces or loading areas for material storage, refuse storage stations/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is prohibited unless accessory to a permitted vehicle or machinery repair use. Dumpsters may be temporarily placed in all zoning districts for the purpose of disposing of materials related to remodeling and/or construction. Placement shall not obstruct the regular flow of traffic, and must be removed within 30 days of placement.

(Ord. passed - -)

### *SPECIAL USES*

#### **§ 152.160 GENERAL PROVISIONS.**

The formulation and enactment of this chapter is based upon the division of the village into districts in each of which are permitted specified uses which are mutually compatible. In addition to the permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the village. The uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

(Ord. passed - -)

#### **§ 152.161 AUTHORITY TO GRANT PERMITS.**

The Village Planning Commission, as hereafter provided, shall have the authority to recommend the approval of special use permits, subject to the conditions of design, operation, and safeguards as the village may determine for all special uses specified in the various district provisions of this chapter. The permit will become valid upon approval by the Village Council.

(Ord. passed - -)

### **§ 152.162 APPLICATION AND FEE.**

Application for any special use permit permissible under the provisions of this chapter shall be made to the Planning Commission through the Village Clerk by submitting an official special use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Village Council, except that no fee shall be required of any governmental body or agency. No part of the fee shall be returnable to the applicant.  
(Ord. passed - -)

### **§ 152.163 DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION.**

An application for a special use permit shall contain the following information as well as any other pertinent information deemed necessary by the village:

(A) The applicant's name, address, telephone number.

(B) Names and addresses of all record owners and proof of ownership.

(C) The applicant's interest in the property. If the applicant is not the owner, the applicant shall also submit a signed, notarized authorization from the owner(s) for the application.

(D) Legal description, address, and tax parcel number of the property.

(E) If deemed necessary, a scaled and accurate survey drawing, correlated with the legal description and showing all existing and proposed buildings, and types thereof and their uses.

(F) A detailed description of the proposed use and statement supporting data, exhibits, information and evidence regarding required findings set forth in this chapter.

(G) A site plan as provided in §§ 152.190 through 152.220, below.

(H) A vicinity sketch showing the surrounding land use and zoning.

(I) Any additional information the Planning Commission finds necessary to make the determinations required herein.

(Ord. passed - -)

### **§ 152.164 PUBLIC HEARING.**

The Planning Commission shall hold a public hearing upon any application for a special use permit, notice of which shall be given by one publication in a newspaper or general circulation in the village, within 15 days but not less than three days next preceding the date of the hearing. Written notification of the public hearing shall also be given to residents within 300 feet of the property seeking the special use.

(Ord. passed - -)



### **§ 152.165 PLANNING COMMISSION ACTION ON SPECIAL USE PERMIT.**

The Planning Commission shall review the special use application in consideration of all information received and in compliance other applicable standards of this chapter. The Planning Commission shall recommend approval, approval with conditions or denial of the application. The findings of the Planning Commission shall be presented to the Village Council at the next council meeting, where the Council will affirm or disaffirm the recommendation by resolution. If conditions are imposed, plans or other information illustrating compliance with the conditions shall be submitted and approved by the Planning and Zoning Administrator prior to the issuance of a zoning compliance permit.

(Ord. passed - -)

### **§ 152.166 STANDARDS FOR REVIEW.**

The Planning Commission shall make findings with respect to the following standards in making a determination on a special use application: The Planning Commission shall approve a special use permit if all the following standards are met.

(A) All information required in § 152.163 has been provided.

(B) The proposed special use shall be compatible with and in accordance with the policies and objectives of the village master plan.

(C) The proposed special use shall promote the intent and purpose of this chapter, shall insure that the use is consistent with the public health, safety, and welfare of the village, and shall comply with all applicable regulations and standards of this chapter.

(D) The proposed special use shall be designed, constructed, operated and maintained to be compatible with existing or planned uses of surrounding areas.

(E) The location and design of the proposed special use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.

(F) The effects of the proposed special use on the natural environment shall be within acceptable limits in comparison to the effects that would result from uses permitted by right in the district.

(G) The proposed special use shall be adequately served by public facilities and services. The special use shall not create additional public costs for facilities and services.

(H) The proposed special use shall comply with all other applicable ordinances and state and federal statutes and regulations.

(Ord. passed - -)

### **§ 152.167 CONDITIONS OF APPROVAL.**

The Planning Commission may impose reasonable conditions on its approval of a special use permit to ensure that the preceding standards are met. Conditions imposed shall be recorded in the approval action and shall remain unchanged except upon mutual consent of the Planning Commission

and landowner. Conditions imposed shall meet all the following requirements:

(A) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being, of those who will use the special use under consideration, residents and landowners immediately adjacent to the special use, and the community as a whole.

(B) Be related to the valid exercise of the police power and purposes which are affected by the proposed special use.

(C) Be necessary to meet the intent and purpose of zoning requirements, be related to the standards in § 152.146, above, and be necessary to insure compliance with these standards.

(Ord. passed - -)

#### **§ 152.168 ACTION REQUIRED.**

The Planning Commission shall, within 35 days of the public hearing date, approve or deny an application. If the Village Planning Commission approves a special use application, a permit shall be issued to the applicant by the Planning and Zoning Administrator. The Planning and Zoning Administrator shall forward a copy of the permit to the applicant. The Planning and Zoning Administrator shall not issue a zoning compliance permit until the special use permit has been approved by the Planning Commission.

(Ord. passed - -)

#### **§ 152.169 EFFECT OF APPROVAL.**

An approved special use permit shall run with the land, unless the use is specifically determined to be temporary in nature. The approved special use permit shall apply only to the land described in the permit application.

(Ord. passed - -)

#### **§ 152.170 SITE PLAN APPROVAL.**

Preliminary site plan review may be conducted simultaneously with review of a special use permit application. An approved preliminary site plan shall be a part of the approved special use permit.

(Ord. passed - -)

#### **§ 152.171 MAINTENANCE.**

The property owner shall maintain the property in accordance with the approved special use permit and site plan on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which approval was based, or until a new use or site plan is approved. A property owner who fails to maintain the property in accordance with the approved special use permits and accompanying site plan shall be deemed to be in violation of this chapter, subject to §§ 152.240 through 152.247, 152.325 through 152.327, and 152.999, below.

(Ord. passed - -)

#### **§ 152.172 EXPANSIONS AND CHANGES IN USE.**

An expansion of a use or a change in use of any approved special use permit shall require a new special use permit. The procedure for an expansion or change of use shall be the same as for the original application.  
(Ord. passed - -)

#### **§ 152.173 VOIDING OF SPECIAL USE PERMIT.**

An approved special use permit shall become null and void and fee forfeited unless construction and/or use is commenced within six months and completed within one year of the date of issuance. If the Planning and Zoning Administrator finds that the applicant has failed to comply with all conditions imposed by the special use permit, the Planning Commission shall hold a public hearing giving at least 15-days' notice of the hearing to the applicant and all property owners within 300 feet of the property for which the special use permit was issued. If the Planning Commission determines that the applicant has not complied with all conditions of the special use permit, it shall take action to see that the conditions are complied with, or revoke the special use permit.  
(Ord. passed - -)

#### **§ 152.174 DISCONTINUANCE.**

The Village Council may require a public hearing for an approved special use permit if the use has ceased to operate continuously for at least a one 6-month period. The Planning Commission may declare the special use permit void after the hearing if the Commission finds that the special use has changed to the extent that it no longer meets the standards in § 152.167 above, and any of the conditions attached to its approval.  
(Ord. passed - -)

### ***SITE PLAN REVIEW***

#### **§ 152.190 GENERAL PROVISIONS.**

A site plan shall include documents and drawings required by the zoning ordinance to insure that a proposed use or activity is in compliance with local ordinance and state and federal statutes. Where the zoning ordinance requires site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Village Planning Commission. The site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances, and state and federal statutes. Conditions imposed pursuant to this chapter shall include all conditions imposed by the Village Planning Commission in the approval of a special use or in the approval of a planned unit development which shall be incorporated into the site plan. The Village Planning Commission shall have authority to review and approve or reject preliminary and final site plans as required in the section.  
(Ord. passed - -)

**§ 152.191 BUILDINGS, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW.**

The following buildings, structures, and uses require site plan review:

- (A) More than one 2-family dwelling unit on a single lot or parcel.
- (B) One or more multiple-family buildings.
- (C) Any principal non-residential building or structure permitted in a residential district.
- (D) A principal building or structure in an office, commercial or industrial district.
- (E) Public utility buildings and structures, not including poles.
- (F) A parking lot or addition thereto containing five or more parking spaces.

(G) A principal use of a lot which does not involve a building or structure in any office, commercial or industrial district.

(H) More than one building or structure, except a sign, on a lot or parcel, or combination of lots or parcel under one ownership or any addition to a principal use in any office, commercial or industrial district and to any principal non- residential use in a residential district except that the Planning Commission may waive some or all of the information and steps required in §§ 152.192 and 152.193 below. The waiver shall be based on an evaluation of the following conditions and documented by the Planning Commission in its minutes:

- (1) Impact on existing site conditions such as topography and storm drainage.
  - (2) Increase in off-street parking and loading and unloading requirements.
  - (3) Generation of additional traffic.
  - (4) Impact on adjacent land use.
  - (5) Mobile home residential district, § 152.054.
- (I) Special uses, §§ 152.160 through 152.174, above.

(J) The Planning and Zoning Administrator shall not issue a zoning compliance permit and the Building Inspector shall not issue a building permit for construction of or addition to any one of the above listed buildings, structures or uses until a final site plan has been approved and is in effect. A use not involving a building or structure, as above listed, shall not be commenced or expanded, nor shall the Planning and Zoning Administrator issue a zoning compliance permit, nor shall the Building Inspector issue a certificate of occupancy for the use until a final site plan has been approved and is in effect. No grading, removal of trees or other vegetation, land filling 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 this subchapter.  
(Ord. passed - -)

**§ 152.192 PRELIMINARY SITE PLAN.**

(A) *Application.* Any person with legal interest in a lot may apply for preliminary site plan approval by filing completed forms, the review fee, and seven copies of the preliminary site plan drawing(s) with the Planning and Zoning Administrator. The Planning and Zoning Administrator upon receipt of the application, shall transmit the preliminary site plan drawings to the Planning Commission prior to its next regular meeting. Upon receipt of an application for site plan approval, one notice that a request for a site plan approval has been received shall be published in a newspaper which circulates in the village not less than 15 days prior to the meeting at which the plan will be reviewed. The notice shall:

- (1) Describe the improvements and/or alterations shown on the site plan approval request.
- (2) Indicate the property which is the subject of the site plan approval request.
- (3) State when and where the applications will be considered.
- (4) Indicate when and where written comments will be received concerning the application.
- (5) Indicate that a public hearing on the site plan approval will be held, if requested in writing by any person who owns or occupies property within 300 feet of the boundary of the site under review.

(B) *Information required.* Every preliminary site plan submitted for review shall provide the information listed below:

- (1) The site plan shall be a scale not greater than one inch equals 20 feet nor less than one inch equals 200 feet, and of the accuracy that the Planning Commission can readily interpret the plan.
- (2) Location and description of the site; dimensions and area, and vicinity map.
- (3) Soil information; existing topography (minimum contour interval of two feet); existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands. The plan shall clearly show all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy; individual deciduous trees of six-inch diameter or larger and individual evergreen trees 12 feet in height or higher, not a part of a group of trees, shall be accurately located on the plan.
- (4) Property owner's name, address; applicant's name, address, interest in property; owner's signed consent for preliminary site plan approval if applicant is not the owner.
- (5) Scale, north arrow, date of plan.
- (6) Proposed buildings/structures: location, outline, general dimensions, distances between, floor area, number of floors, height, and number and type of units. Elevation drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures.
- (7) Location and size of open areas and recreation areas.
- (8) Proposed streets/drives: general alignment, right-of-way, (where applicable), surface type and width.

(9) Proposed parking: location and dimensions of lots, dimensions of spaces and aisles, angle of spaces, surface type, number of spaces.

(10) Existing zoning classification of property; required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips; if applicable.

(11) Areas of intended filling/cutting; outline of existing buildings/structures and drives; existing natural and man-made features to be retained or removed.

(12) Adjacent land uses; location of adjacent buildings, drives and streets.

(13) Location, area of development phases, building program for each phase; projected schedule of development, by phase.

(14) Location and width of easements on site.

(15) General description of proposed water, sanitary sewer, and storm drainage systems.

(16) Landscape plan showing location, size and type of plant materials; plant list.

(C) *Standards for review.* In reviewing a preliminary site plan the Planning Commission shall consider the following standards:

(1) That all required information has been provided.

(2) That the proposed development as shown in the preliminary site plan conforms to all regulations of the zoning ordinance for the district(s) in which it is located.

(3) That the applicant is legally authorized to apply for site plan review.

(4) That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.

(5) That the proposed development will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area and is compatible with the general development plan.

(6) That natural resources will be preserved to a maximum feasible extent, and that the development as proposed will not cause soil erosion or sedimentation.

(7) That the proposed development is adequately coordinated with improvements serving the subject property and with other developments.

(8) The proposed site plan and building(s) comply with the design standards of § 152.089, above, if applicable.

(D) *Planning Commission action.* The Planning Commission shall study the plan and shall, within 100 days of its receipt of the plan approve or reject the preliminary site plan. The Planning Commission may require changes in the plan, and may attach conditions to its approval. The Planning Commission shall advise the applicant in writing of its actions on a preliminary site plan. The time limit may be extended upon mutual consent of the applicant and Planning Commission.

(E) *Effect of approval.* Approval of a preliminary site plan by the Village Planning Commission shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Village Planning Commission may, at its discretion, and with appropriate conditions attached, authorize issuance of permits by the Building Inspector for grading and foundation work on the basis of an approved preliminary site plan. The conditions to be attached to the permit issued for grading and foundation work shall include, but are not limited to, provisions for control of possible erosion, for exempting the village from any liability if a final site plan is not approved, and for furnishing a bond for restoration of the site if work does not proceed to completion.

(F) *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 for all or part of the area included in the approved preliminary site plan is filed with the Planning and Zoning Administrator within that time period. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two years from the approval of the previously approved final site plan. If the period is exceeded, the approved preliminary site plan will become invalid with respect to the remaining parts of the site, unless the applicant requests and is granted, by the Planning Commission, a one year extension. The Planning Commission may grant more than one extension for good cause shown.

(Ord. passed - -)

### **§ 152.193 FINAL SITE PLAN.**

(A) *Application.* Following approval of a preliminary site plan, the applicant shall submit to the Planning and Zoning Administrator, the required number of sets of a final site plan and other data and exhibits hereinafter required, the review fee, and a completed application form. The Planning and Zoning Administrator upon receipt of the application, shall transmit the final site plan drawings to the Planning Commission prior to its next regular meeting.

(B) *Information required.* Each final site plan submitted for review shall provide the following information and shall meet the following specifications:

(1) The site plan shall be of a scale not greater than one inch equals 20 feet nor less than one inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the plan. More than one drawing shall be included as part of a final site plan where required by the Planning Commission for clarity.

(2) Scale, north arrow, name and date of plan; date of any revisions thereto.

(3) Name and address of property owner and applicant; interest of applicant in property; name and address of developer; owner's signed consent for final site plan approval application if applicant is not the owner.

(4) Name and address of designer. A detailed site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.

(5) A vicinity map, legal description of site, and dimensions and lot area. Where a metes and bound description is used, lot line angle or bearings shall be indicated on the plan and the lot line

dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor.

(6) Existing topography (minimum contour interval of two feet); existing natural features such as trees, woods areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by approximate outline of the total canopy; individual deciduous trees of six-inch diameter or larger and individual evergreen trees 12 feet in height or higher, not a part of a group of trees, are to be accurately located on the plan.

(7) Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.

(8) Owner, existing use and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots other improvements on adjacent properties.

(9) Existing public utilities on or serving the property; location and size of water lines and hydrants; location size and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of wells, septic tanks and drain fields and location of exterior HVAC equipment.

(10) Name and right-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.

(11) Zoning classification of the subject property; location of required yards; total site area and floor area; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size and type of dwelling units.

(12) Grading plan, showing finished contours at minimum interval of two feet, and correlation with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines, unless grading easements off-site are obtained.

(13) Location and exterior dimensions of all proposed buildings and structures, location to be referenced to property lines or a common base point; distances between buildings; height in feet and stories; finished floor elevations and contact grade elevations.

(14) Location and alignment of all proposed streets and drives; right-of-way where applicable; dimensions, and slopes; location and typical details of curbs; turning lanes with details where applicable; location, width surface elevations and grades of all surface type and width and typical cross section of same showing base and sub-base materials, entries and exits; curve-radii.

(15) Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces, and aisles; drainage pattern of lots; typical cross section showing surface, base, and sub-base materials; angle of spaces.

(16) Location, width, and surface of proposed sidewalks and pedestrian ways.

(17) Location, use, size, and proposed improvements of open spaces and recreation areas;



maintenance provisions for the areas.

(18) Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.

(19) Location of proposed outdoor trash container enclosures; size, typical elevations, and vertical sections of enclosure, showing materials and dimensions.

(20) Location, type, size, area, and height of proposed signs.

(21) Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed utilities; location and size of retention ponds and degree of slope of sides of points; calculations for sizing of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone service; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks and drains fields, if onsite facilities are to be used. Final engineering drawings for all site improvements, such as but not limited to water, sanitary sewer systems, streets, drives, and parking lots, retention ponds and other ponds or lakes, retaining walls, are to be submitted to and approved by an engineer appointed by the village, prior to Planning Commission approval of the final site plan.

(22) Landscape plan showing location, size and type of plant materials.

(23) Plan for the control of soil erosion and sedimentation during grading and construction of operations and until a permanent ground cover is established. The plan shall be approved by the designated Soil Erosion and Sedimentation Control Enforcing Agent.

(24) Location of proposed retaining walls, and dimensions and materials of same, fill materials, typical vertical sections; restoration of adjacent properties where applicable.

(25) Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same prior to approval of the final site plan by the Planning Commission.

(26) Architectural floor plans and elevation drawings shall be submitted that illustrate the building design and height, and describe construction materials for all proposed structures. Elevations shall be provided for all sides. The Planning Commission may require color renderings of the building. Proposed materials and colors shall be specified on the plan and color chips or samples shall be provided at the time of final site plan review. These elevations, colors and materials shall be considered part of the approved site plan and may not be changed without approval by the Planning Commission.

(27) Management plans for storm water systems and maintenance of open space.

(28) Location and details of exterior lights; fixtures and poles; and a photometric plan. (See lighting standards, § 152.089, above)

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

(1) That the final site plan conforms to the preliminary site plan as approved by the Village Planning Commission.

(2) That all required information is provided.

(3) That the plan complies with all zoning ordinance regulations.

(4) That the plan, including all engineering drawings, meet specifications of the village for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.

(5) That the plan meets all specifications of this section.

(6) That any grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring property.

(7) The erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities and services.

(8) The proposed site plan and building(s) comply with the design standards of § 152.089, above.

(D) *Planning Commission action.* The Planning Commission shall study the final site plan and shall within 100 days of its receipt of the plan approve or reject the final site plan. This time limit maybe extended upon mutual consent of the applicant and the Planning Commission. The Commission may suggest and/or require changes or modifications in the proposed site plan as are needed to gain approval. The Planning Commission shall include in its study of the site plan, consultation with the Planning and Zoning Administrator, the Village Fire Chief, the Village Engineer, other governmental officials and departments and public utility companies that might have an interest in areas being affected by the proposed development. All engineering drawings and plans shall be approved by the Village Engineer before a final site plan shall be approved. After Planning Commission approval of a final site plan, the applicant shall submit the required number sets of the final site plan to the Planning and Zoning Administrator which show all the changes required by the Planning Commission for approval. The Planning and Zoning Administrator shall review the plan for compliance with all conditions and design criteria. If the plan is approved after review, the Planning and Zoning Administrator shall stamp and sign the plans. If the final site plan is rejected, the Planning Commission shall notify the applicant in writing of the action and reasons therefore, within ten days following the action.

(E) *Effect of approval.* Approval of a final site plan authorizes issuance of a zoning compliance permit and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a zoning compliance permit and issuance of a certificate of occupancy, provided all other requirements for the certificate have been met. Any development that does not comply with the approved final site plan, except as provided in § 152.196, below, shall be a violation of this chapter as provided in §§ 152.240 through 152.247, 152.325 through 152.327, and 152.999, below.

(F) *Expiration of approval.* Approval shall 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. Approval of a final site plan shall expire and be of no effect 545 days following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved final site plan. The approval period may be extended by the Planning Commission for a period not to exceed one year, upon written application for an extension by the applicant. The Planning Commission may approve more than one extension for good cause shown.

(Ord. passed - -)

#### **§ 152.194 COMBINING PRELIMINARY AND FINAL SITE PLANS.**

An applicant may, at his or her discretion and risk, with approval of the Village Planning Commission combine a preliminary and final site plan in application for approval. The Village 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 size of the proposed development if so warranted. A preliminary and final site plan shall not be combined for any development consisting of two or more phases.

(Ord. passed - -)

#### **§ 152.195 AMENDMENT OF APPROVED SITE PLAN.**

A site plan may be amended upon application and in accordance with procedure and requirements provided in § 152.192, above, for a preliminary site plan and in § 152.193, above, for a final site plan. Minor changes in a preliminary site plan may be incorporated into a final site plan without an amendment to the approved preliminary site plan, at the discretion of the Planning Commission. The Planning Commission may require, in case of minor changes in an approved preliminary or final site plan, that a revised preliminary or final site plan drawing(s) be submitted showing the minor changes, for purposes of record. The Planning Commission shall have the authority to determine if a proposed change is minor or major and if the change requires an amendment to an approved preliminary or final site plan.

(Ord. passed - -)

#### **§ 152.196 MODIFICATION OF PLAN DURING CONSTRUCTION.**

All site improvements shall conform to the final site plan. *IMPROVEMENTS* means those features and actions associated with a project which are considered necessary by the Village Planning Commission in the granting of approval for special use, planned unit developments, or site plans, to protect natural resources, or the health, safety, and welfare of the residents of the village and future users or inhabitants of the proposed project or project areas, including roadways, lighting, utilities, sidewalks, screening, landscaping, grading and drainage. Improvements shall not include the entire project for which approval is sought. If the applicant makes any changes during construction in the development in relation to the approved final site plan, he or she shall do so at his or her own risk, without any assurance that the Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Planning and Zoning Administrator, the Building Inspector and the Planning Commission of any such changes. The Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan, and shall notify the applicant within 30 days of any required corrections.

(Ord. passed - -)

#### **§ 152.197 PHASING OF DEVELOPMENT.**

The applicant may divide the proposed development into two or more phases. In such cases, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size and character of each phase. A final site plan shall be submitted for review and approval for each phase.

(Ord. passed - -)

**§ 152.198 ADMINISTRATIVE AMENDMENTS TO APPROVED SITE PLANS.**

(A) A minor change to a site plan may be approved administratively if the Planner, Planning and Zoning Administrator, and the Village Engineer agree in writing that the change will not significantly alter or will not conflict with the condition of the site plan approval and is one of the following:

- (1) New fire escape.
- (2) Change in building height that does not create new floor area.
- (3) Relocation of sidewalks.
- (4) Change of location or type of landscape materials.
- (5) Relocation of refuse collection stations.
- (6) Internal rearrangement of parking lot.
- (7) Decrease in building size.
- (8) Moving a building no more than ten feet or 5% of the distance to the closest property line, whichever is smaller.
- (9) Accessory structure less than 200 square feet in size and without utility services.
- (10) Change in site lighting.
- (11) Changes to accommodate barrier free regulations.

(B) If the amendment is not approved administratively, the applicant shall have the right to appeal to the Planning Commission.

(Ord. passed - -)

**§ 152.199 INSPECTION.**

The Planning and Zoning Administrator shall be responsible for inspecting all improvements for conformance with zoning regulations. All other improvements shall be inspected by the appropriate department, inspector or agency as needed. The Planning and Zoning Administrator shall obtain inspection assistance from the local Fire Chief, Building Inspector, and other departments as needed.

(Ord. passed - -)

**§ 152.200 PERFORMANCE GUARANTEES.**

(A) Cash bonds or reasonable alternatives, acceptable to the village shall be provided by the applicant. The guarantee shall be provided after a final site plan is approved by the Planning Commission but prior to issuance of a certificate of occupancy for any building that is covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan that

were not completed prior to issuance of the certificate of occupancy. Site improvements shall include, among other items, streets and drives, parking lots, sidewalks, grading, required landscaping, required visual screens, storm drainage facilities, exterior lighting, and utilities.

(B) The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and the estimate shall be verified as to the amount by the Village Engineer. The form of the guarantee shall be approved by the Village Attorney.

(C) If the applicant shall fail to provide any site improvement according to the approved plans within the time specified in the guarantee, the Village Council shall be entitled to enter upon the site and complete the improvements. The Village Council may defray the cost thereof by the use of the deposited security, or may require performance by the bonding company.

(D) If a cash deposit is used, the applicant and Village Clerk or Treasurer shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed. At no time shall the amount of deposit remaining be less than 125% of the estimated cost of completing. The inspections for improvements for which the cash deposit is to be rebated shall have been completed before funds are rebated.

(E) The Planning and Zoning Administrator may refuse to sign a certificate of occupancy until compliance with the approved final site plan and approved engineering plans related thereto is achieved, or until adequate security is deposited as provided in this section.  
(Ord. passed - -)

#### **§ 152.201 AS-BUILT DRAWINGS.**

(A) The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be in the form of dimensionally stable originals and electronic files. The drawings shall be submitted to the Planning and Zoning Administrator and shall be approved by the Village Engineer prior to the release of any performance guarantee or part thereof covering the installations or prior to issuance of a certificate of occupancy.

(B) The as-built drawings shall show, but not be limited to, the information as the exact size, type and location of pipes, location and size of manholes, and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary, storm sewer lines and plan views of all water lines.

(C) The as-built drawings shall show all work as actually installed and as field verified by a registered engineer or his or her representative. The drawings shall be identified as "as-built drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's representative and shall bear the seal and signature of a registered engineer.  
(Ord. passed - -)

#### **§ 152.202 FEES.**

Fees for the review of site plans, and inspections as required by this section shall be established and may be amended by resolution of the Village Council.

(Ord. passed - -)

## ***NONCONFORMITIES***

### **§ 152.215 GENERAL PROVISIONS.**

(A) Lots, structures, and uses of land and structures that were lawful before this chapter was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this chapter, or its future amendments, may continue until they are discontinued, damaged, or removed, subject to the provisions of this subchapter, but their survival is not encouraged. These nonconformities are declared by this chapter to be incompatible with the current or intended use of land, lots, and structures in the district in which they are located.

(B) Nonconformities shall not be enlarged, expanded, or extended except as provided in this subchapter. Nonconformities shall not be used as grounds for adding other lots, structures, or uses prohibited elsewhere in the same district.

(C) Any nonconformity that cannot be proved to have legally existed prior to the effective date of this chapter shall be declared illegal and shall be discontinued.

(Ord. passed - -)

### **§ 152.216 NONCONFORMING USES OF LAND.**

Where, on the date of adoption or amendment of this chapter, a lawful use of land exists that is no longer permitted by this chapter, the use may be continued, subject to the following provisions:

(A) No nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter; and no accessory use or structure shall be established therewith.

(B) No nonconforming use of land shall be moved in whole or in part to any other portion of the land not occupied on the effective date of adoption or amendment of this chapter.

(C) If a nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, the subsequent use of the land shall conform to the regulations and provisions of this chapter for the district in which the land is located.

(Ord. passed - -)

### **§ 152.217 NONCONFORMING STRUCTURES.**

(A) A nonconforming structure shall be a structure that was lawful prior to the date of adoption or amendment of this chapter and which, as a result of adoption or amendment, does not conform to the regulations for lot area, lot area per dwelling unit, lot width, lot coverage, height, transition strips, off-street parking or loading, yard or impervious surface requirements of this chapter.

(B) A nonconforming structure may continue after the date of adoption or amendment of this chapter. A nonconforming structure, except a single-family dwelling and its accessory structures,

which is damaged by any means to an extent of more than 50% of its replacement cost, shall not be reconstructed except in conformity with the regulations of the district in which it is located, Any nonconforming structure, except single-family dwellings and their accessory structures, that is damaged to an extent of 50% or less of its replacement cost, may be replaced in its location existing prior to the damage, provided replacement is commenced within one year of date of damage and is diligently pursued to completion. Failure to commence replacement within one year shall result in the loss of legal nonconforming status.

(C) A nonconforming structure that is moved shall conform, afterwards, to the regulations of the district in which it is located.

(D) Nonconforming single-family dwellings and their accessory structures may be continued, replaced, repaired, or remodeled, and shall be exempt from division (B) above. The dwelling and its accessory structures may be replaced or repaired, in accordance with the standards in division (E)(1) below.

(E) Nonconforming structures may be replaced or expanded in accordance with the following requirements:

(1) A single-family dwelling unit and permitted accessory structures may be replaced or expanded, subject to the following standards: the dwelling is a permitted use in the district in which it is located; and any expansion shall meet yard, lot coverage floor area ratio, and impervious surface regulations of the zoning district in which it is located.

(2) All other nonconforming structures, in any zoning district, may be expanded only after approval by the Zoning Board of Appeals, as provided in this chapter.

(F) A nonconforming structure may be altered to decrease its nonconformity. Any nonconforming conditions that are removed may not be re-established.  
(Ord. passed - -)

## **§ 152.218 NONCONFORMING USES OF STRUCTURES.**

A lawful use of a structure that existed on the date of adoption or amendment of this chapter that is no longer permissible under the regulations of this chapter may continue so long as it remains otherwise lawful subject to the following provisions:

(A) A nonconforming use of a structure may be expanded into a part of a structure that was originally designed and constructed for the use, provided that no structural alterations are made, the floor area of the structure is not increased, and that the use shall not be extended to occupy any land outside the structure. No other enlargement, expansion, extension or alteration of a nonconforming use of a structure shall be permitted.

(B) When a nonconforming use of a structure is discontinued or abandoned for more than 180 consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(C) Ordinary repairs or the repair or replacement of nonbearing walls, fixtures, wiring or plumbing, may be performed on a structure or building devoted to any nonconforming use under the following conditions:

(1) The cost of the work, within a 12-month period, does not exceed 10% of the then current replacement value of the structure or building;

(2) The volume of the structure or building shall not be increased;

(3) The number of dwelling units, if it is a residential structure, shall not increase; and

(4) If a structure containing a nonconforming use is moved for any reason and of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(D) If a structure devoted in whole or in part to a nonconforming use is destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

(E) A nonconforming use that is replaced by a use that is permitted in the district in which is located shall not be resumed.

(Ord. passed - -)

#### **§ 152.219 NONCONFORMITIES AND SITE PLAN REVIEW.**

The Planning Commission may require, as part of its review of a site plan, the applicant to bring the site into partial or complete compliance with standards such as, but not limited to, landscaping, building design, drainage, or exterior lighting standards in this chapter. The extent of compliance shall be reasonable in relation to the size and cost of the building or other site improvements proposed in the site plan.

(Ord. passed - -)

#### **§ 152.220 CHANGE OF TENANCY OR OWNERSHIP.**

An existing nonconforming use, building or structure may have a change of tenancy, ownership, or management, provided there is no change in the nature or character of the nonconforming use, building or structure, and that the use, building or structure is in compliance with section § 152.216(C) above.

(Ord. passed - -)

#### **§ 152.221 NONCONFORMING LOTS.**

The following regulations shall apply to any lot which was lawful at the time of the effective date of adoption or amendment of this chapter, but does not comply with all the provisions of this chapter.

(A) A nonconforming lot may be used for a use that is permitted in the district in which it is located, provided the use complies with the applicable yard, floor area, lot coverage, and impervious



surface regulations of the district in which it is located.

(B) If a use cannot comply with division (A), above, the use may be permitted only if a variance is granted by the Zoning Board of Appeals.

(C) To develop a nonconforming lot under division (A), above, the applicant shall submit evidence that the lot was not under contiguous single ownership with other lots that could have been combined to create a conforming or more nearly conforming lot.

(D) If two or more nonconforming lots of record are contiguous and are in the same ownership at the time of adoption or amendment of this chapter, the lots shall be considered to be an undivided lot and one zoning lot. The zoning lot may be divided only if each lot that would result from the division complies with all regulations of the zoning district in which it is located.

(E) A single-family dwelling unit and all accessory structures thereto may be constructed on a nonconforming lot of record upon approval by the Planning and Zoning Administrator provided:

(1) The lot complies with divisions (C) and (D), above.

(2) A single-family dwelling and accessory structure thereto is a permitted use in the district in which the lot is located.

(3) The dwelling unit will meet all yard, floor area, lot coverage, and impervious surface regulations of the district in which the lot is located.

(4) A variance from the Zoning Board of Appeals shall be required for a dwelling unit that cannot comply with division (E)(3), above.

(F) A building other than a single-family dwelling unit may be constructed on a nonconforming lot of record provided:

(1) The lot complies with divisions (C) and (D), above.

(2) The use is a permitted use in the district in which the lot is located.

(3) A variance is granted by the Zoning Board of Appeals.

(Ord. passed - -)

#### **§ 152.222 EXPANSION AND SUBSTITUTION.**

(A) Where the Zoning Board of Appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the following provisions shall apply:

(1) The reasons for the nonconformity shall be limited to minimum lot area, lot width, required yards, off-street parking and loading requirements, and transition strip requirements of the zoning district in which the nonconforming structure is located. A structure that is nonconforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height limits shall not be expanded without removing the nonconformity.

(2) The existing and proposed uses of the structures shall be permitted in the district in which located.

(3) The proposed improvements shall conform to all regulations of the district in which located.

(4) The Zoning Board of Appeals shall determine the following in approving a request: That retention of the nonconforming structure is reasonably necessary for the proposed improvement, or that requiring the removal of the structure would cause undue hardship; that the proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety, and welfare; and that the proposed improvement is reasonably necessary for continuation of the use on the lot.

(5) The Board of Appeals shall have authority to require reasonable modifications of the nonconformity as a condition of approval. The Board of Appeals may attach other conditions of its approval that it deems necessary to protect the public health, safety and welfare.

(6) All expansions permitted under this subsection meet all requirements of site plan review, herein.

(B) A structure that does not conform to zoning ordinance regulations shall not be substituted for, or replace, any conforming or nonconforming structure.

(C) A nonconforming use of a structure may be substituted for another nonconforming use upon approval by the Zoning Board of Appeals, provided that the other nonconforming use is more appropriate than the existing nonconforming use in the district in which it is located. The Zoning Board of Appeals may attach conditions to its approval.

(Ord. passed - -)

### **§ 152.223 UNSAFE STRUCTURES.**

Nothing in this chapter shall be deemed to prevent the improvement, maintenance or reinforcement of a building or structure declared to be unsafe by any official charged with protecting the public safety, upon the order of that official.

(Ord. passed - -)

### **§ 152.224 PERFORMANCE STANDARDS.**

No lot, building, or structure in any district shall be used 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. Uses in all districts, where permitted, shall comply with the following performance requirements:

(A) *Noise.* Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Tornado sirens and related apparatus used solely for public purposes are exempt from this requirement.

(B) *Vibration.* No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

(C) *Smoke.*

(1) Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issues by the U.S. Bureau of Mines except for blow-off periods of minutes duration of one per hour when a density of not more than No. 2 is permitted.

(2) Refer also to the village ordinance for outdoor and open burning.

(D) *Odor.* No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

(E) *Air pollution.* No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

(F) *Glare.* No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

(G) *Erosion.* No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.  
(Ord. passed - -)

#### **§ 152.225 PLANS.**

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.  
(Ord. passed - -)

#### **§ 152.226 ENFORCEMENT.**

The Zoning Inspector may refer the application to one of more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of the services shall be borne by the applicant, and a copy of any such report shall be furnished to the applicant and the village.  
(Ord. passed - -)

#### **§ 152.227 STORAGE OF MATERIALS.**

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

(A) On any lot in any agricultural district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store the materials within a completely enclosed building.

(B) On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store the materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in the districts.

(C) Nothing in this chapter shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of operational passenger vehicles on a driveway located on private property shall not be prohibited.  
(Ord. passed - -)

## *ADMINISTRATION*

### **§ 152.240 OFFICE OF PLANNING AND ZONING ADMINISTRATOR.**

The office of Planning and Zoning Administrator is hereby created.  
(Ord. passed - -)

### **§ 152.241 DUTIES OF PLANNING AND ZONING ADMINISTRATOR.**

It shall be the duty of the Planning and Zoning Administrator or any other official as authorized by Village Council to enforce this chapter and to make the orders and decisions as may be necessary to carry out the intent thereof. The Planning and Zoning Administrator shall have all the powers, duties and responsibilities assigned to that office by this chapter.  
(Ord. passed - -)

### **§ 152.242 ZONING COMPLIANCE PERMIT.**

(A) No use, construction, work, excavation, movement of earth, or any activity associated with a permanent improvement or change of use, land or building, alteration, addition, or similar activity, other than preliminary testing, boring, soil samples, surveying and investigative work or activity shall be commenced, performed, or done without the issuance of a zoning compliance permit.

(B) No permit shall be issued by any municipal, county, village, state, official or agency for any use, building, construction, work, alteration, addition, or improvement to land, as above described, until a zoning compliance permit has been issued by the Planning and Zoning Administrator under the terms and provisions of this chapter. The issuance of any other approval or certification of a site plan, variance, special use permit, planned unit development, or other discretionary permit by any board or body under this chapter, shall not supersede or lessen compliance with this subchapter and that any use, development, construction, improvement or work allowed under such discretionary permit, shall in all cases be further conditioned on compliance with this subchapter and shall not be allowed until the issuance of the zoning compliance permit in accordance with this subchapter.

(C) An application for a zoning compliance permit shall be accompanied by a site plan, where required under other provisions of this chapter, or a drawing, that provides the following information:

- (1) Scale, date and north point.
- (2) Location, shape and dimensions of the lot.
- (3) Legal description, tax parcel number and address of the lot.

(4) Location, outline and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.

(5) A clear description of existing and intended uses of all structures.

(6) Additional information as required by the Planning and Zoning Administrator for purposes of determining compliance with this chapter. The application shall be signed by the owner of the land, or the owner's duly authorized agent.

(7) A zoning compliance permit shall be signed and issued by the Planning and Zoning Administrator. The application and all supporting documentation shall be considered a part of the permit. Any alteration, false statement, change or other variation between the application and its supporting documents, and the use, construction, work, development, alteration, addition, or improvement authorized by the permit, shall render the permit null and void. Any such change, variation or alteration of the application and supporting documents, shall require resubmission to the Planning and Zoning Administrator and the reissuance of a new zoning compliance permit. All fees due under this chapter, or under other ordinances or policies of the village for municipal services and development of the work, must be paid in full prior to the issuance of the zoning compliance permit, unless exception is made by the appropriate board authorized to waive or delay the payment of the fees. The applicant shall furnish to the Planning and Zoning Administrator, upon request, a title insurance policy or other acceptable evidence of ownership.

(D) A zoning compliance permit shall be null and void unless the use, construction, work, alteration, addition and/or use is completed or established within 180 days of the date of issuance of the permit.

(E) The Planning and Zoning Administrator is authorized to prepare and furnish to the public, from time to time forms for application for a zoning compliance permit. The Planning and Zoning Administrator is authorized to affix to the face of any zoning compliance permit any condition authorized by the chapter or under any discretionary permit issued by any board under this chapter, or under other chapter or promulgated policies of the village, pertaining to the use, work or occupancy of the land and premises, Failure to comply with any such condition shall render the zoning compliance permit null and void.

(Ord. passed - -)

#### **§ 152.243 CERTIFICATE OF OCCUPANCY.**

(A) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or part for any purpose, until a certificate of occupancy shall have been issued by the Planning and Zoning Administrator stating that the premises or building complies with all the provisions of this chapter. A certificate of occupancy shall be applied for at the same time that the building certificate of occupancy is applied for and if approved by the Planning and Zoning Administrator, shall be issued within ten days after notification from the permit holder that the premises are ready for occupancy.

(B) The holder of a permit for construction, erection, alteration, repair or moving of a building, structure, or part thereof, shall notify the Planning and Zoning Administrator immediately upon the completion of the work authorized by the permit for final inspection. The Planning and Zoning Administrator shall sign the certificate of occupancy within three days of the application date if he or she finds that the building or structure, the use of the building or land, and lot complies with the provisions of this chapter and with the approved site plan.

(C) If the Planning and Zoning Administrator refuses to issue a certificate of occupancy, he or she shall notify the applicant in writing of the refusal and the reasons thereof, within the three-day period.  
(Ord. passed - -)

**§ 152.244 PENDING APPLICATIONS FOR BUILDING PERMITS.**

Nothing in this chapter shall require any change in plan, construction, size or designated use of a building for which a building permit has been granted before the effective date of this chapter and the construction of which from the plans shall have been started within six months of that date.  
(Ord. passed - -)

**§ 152.245 RECORDS.**

The Planning and Zoning Administrator and Building Inspector shall maintain records of all certificates and permits issued under this chapter. The records shall be stored at the Village Office, and shall be open for public inspection.  
(Ord. passed - -)

**§ 152.246 FEES.**

The Village Council shall establish by resolution a schedule of fees for administering this chapter. The schedule of fees shall be posted on public display in the office of the Planning and Zoning Administrator and may be changed only by resolution of the Village Council.  
(Ord. passed - -)

**§ 152.247 COMPLIANCE WITH PLANS AND APPLICATIONS.**

Building permits and certificates of zoning compliance issued on the basis of plans and applications approved by the Planning and Zoning Administrator and the Building Inspector authorize only the use, design and construction set forth in the approved plans and applications, and no other use, design or construction. Use, design or construction different than that authorized is a violation of this chapter and punishable as provided in § 152.223, above.  
(Ord. passed - -)

***ZONING BOARD OF APPEALS***

**§ 152.260 ESTABLISHED.**

(A) There is hereby established, a Zoning Board of Appeals, separate and distinct from the Village Council. The Zoning Board of Appeals shall perform the duties and exercise the powers provided by the Michigan Zoning Enabling Act 110 of 2006, as amended, in such a way that the objectives of this chapter shall be observed, public health and safety secured, and substantial justice done. The Zoning Board of Appeals is established as follows.

(B) The Village Council shall establish and appoint a Zoning Board of Appeals under the provisions of the Michigan Zoning Enabling Act 110 of 2006, as amended; separate and distinct from the Village Council.  
(Ord. passed - -)

#### **§ 152.261 MEMBERSHIP.**

There shall be not less than five members of the Zoning Board of Appeals, one of which may be a member of the Village Planning Commission. All persons serving on this Board shall be residents of the village. The Village Council may increase or decrease the membership of the Zoning Board of Appeals, but not below five members.  
(Ord. passed - -)

#### **§ 152.262 APPOINTMENTS OF MEMBERS.**

The Village Council shall appoint the members of the Zoning Board of Appeals. Each member shall be appointed for a term of three years. The appointments of the first members shall be for terms of one, two and three years respectively, so as near as possible to provided for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full three-year term. The term of the Planning Commission member shall not be longer than the member's term on the Planning Commission.  
(Ord. passed - -)

#### **§ 152.263 ALTERNATE MEMBER.**

The Village Council may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a for the purpose of reaching a decision on a case in which a member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.  
(Ord. passed - -)

#### **§ 152.264 GENERAL REGULATIONS.**

(A) *Rules and procedures.* The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties under the Michigan Zoning Enabling Act 110 of 2006, as amended. The Zoning Board of Appeals may adopt, amend, modify and revoke its rules from time to time. The rules of procedure shall at a minimum include those items required by the Michigan Zoning Enabling Act 110 of 2006, as amended. In the absence of adopted rules of procedure, the rules of procedure established by the Village Council in its resolution establishing the Zoning Board of Appeals, pursuant to this chapter, shall govern, until the Zoning Board of Appeals adopts its own rules of procedure.

(B) *Open Meetings Act.* All provisions of the Michigan Open Meetings Act shall apply to the

proceedings of the Village Zoning Board of Appeals.

(C) *Who may take an appeal.* An appeal may be taken by a person aggrieved by any decision of any officer, bureau, board or commission of the village which arises in the administration of the village zoning ordinance, or by any officer, department, board or bureau of the village with respect to any decision made under the village zoning ordinance subject to the limitations of § 152.270, below. Provided, however, that in accordance with the Michigan Zoning Enabling Act, 110 of 2006 as amended there shall be no appeal of a decision approving or denying a PUD site plan and special use permit applications.

(D) *Time for appeal, filing, grounds.* An appeal shall be taken to the Zoning Board of Appeals within 21 days from the date of the order, requirement, decision or determination which is the subject of the appeal, by filing with the Planning and Zoning Administrator, officer or the body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeals specifying the grounds for the appeal. The Planning and Zoning Administrator, officer or body from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

(E) *Stay of proceedings.* An appeal to the Zoning Board of Appeals stays all proceedings in the furtherance of the action appealed. However, the stay may be vacated if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property. The certification shall be made after the notice of appeal is filed and shall state all reasons for vacating the stay. In such cases proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or the circuit court.

(F) *Public hearing notice.* The Zoning Board of Appeals shall hold a public hearing on each action requested of the Zoning Board of Appeals. The Board shall set a reasonable time for each hearing per Appendix C.

(G) *Disposition of appeal.* The Zoning Board of Appeals shall decide the appeal within a reasonable time, but not more than 60 days after the date the appeal was filed, unless an extension of time is requested by a majority of the members of the Board. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make an order, requirement, decision, or determination as in the Board's opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Zoning Board of Appeals may, in passing upon appeals, vary or modify any of its rules or provisions relating to the construction, or structural changes in equipment, or alteration of buildings or structures, so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done.

(H) *Conditions on affirmative decision.* The Zoning Board of Appeals may impose conditions upon an affirmative decision on an appeal. The conditions may include conditions necessary to insure that public services and facilities affected by the proposed 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 insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

(1) Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and community



as a whole.

(2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards in the zoning ordinance for the land use or the activity under consideration; and be necessary to insure compliance with those standards.

(I) *Decision of Board.* The concurring vote of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of the Planning and Zoning Administrator, and administrative official or an administrative body, or to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to effect a variation in this chapter.

(J) *Meetings.* A majority of the members of the Zoning Board of Appeals shall comprise a quorum for the purpose of conducting a meeting of the Board. Meetings shall be held as needed, or once a month on a regular schedule, whichever is least.

(K) *Form of decision, effect and time.* The Zoning Board of Appeals' decision on the appeals shall be in the form of a resolution containing a full statement of the findings of fact, conclusions and the determination of the Board in each particular case. The resolution, in written form, shall be approved by the Board and filed with the minutes of the Board. The date of filing of the approved written resolution shall be the effective date of the decision. Further appeal from the decision of the Board to the Jackson County Circuit Court shall be in accordance with the Michigan Zoning Enabling Act 110 of 2006, as amended this subchapter.

(L) *Fees on appeals.* Appeal fees shall be established from time to time by the Parma Village Council sufficient to cover all costs incurred by the village in the processing of any appeal.

(M) *Records.*

(1) Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Zoning Board of Appeals including all evidence and data considered, and all findings of fact and conclusions drawn by the Board for every case, together with the votes of the members and final disposition of each case. The minutes shall be filed with the Village Clerk and shall be available to the public.

(2) The record of proceedings shall contain the following information when applicable:

(a) The application for an appeal, variance or interpretation.

(b) Any reports, plans, surveys, or photos.

(c) Letter from the Planning and Zoning Administrator, officer or body granting or denying the application or referring it to the Zoning Board of Appeals and all other relevant records related to the case.

(d) Notice of public hearing to affected parties in the newspaper.

(e) Affidavit of publication of notice of hearing.

(f) A copy of the notice to property owners within 300 feet of the subject parcel as well as a list of all property owners who were notified.

(g) Record of testimony heard and evidence presented in transcribed or electronically taped form.

(h) A copy of zoning ordinance article(s) and section(s) in question.

(i) Briefs, correspondence or other communication made to the Zoning Board of Appeals.

(j) Statement of facts found by the Board, of its own knowledge, regarding the request including any information gained from personal inspection.

(k) Findings based on standards set forth in this subchapter.

(l) Decision of the Board.

(m) A copy of any other correspondence to the appellant or other parties regarding the request.

(N) *Counsel to the Zoning Board of Appeals.* Legal counsel may be retained by the Zoning Board of Appeals for the purpose deemed necessary by the Board provided that the appointment or retainer shall be approved in advance by the Village Council.

(Ord. passed - -)

#### **§ 152.265 AUTHORITY OF ZONING BOARD OF APPEALS.**

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Planning and Zoning Administrator, any administrative official or administrative body charged with enforcement of the zoning ordinance. Appeals include all requests for variances or interpretation of this chapter.

(Ord. passed - -)

#### **§ 152.266 ADMINISTRATIVE REVIEW.**

(A) The Zoning Board of Appeals shall also hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Planning and Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this chapter including interpretation of the zoning map.

(B) All questions concerning administrative decisions under this chapter shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the applicable village official or agency.

(C) The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.

(D) The Planning and Zoning Administrator shall transmit to the Zoning Board of Appeals,

copies of all papers constituting the record upon which the action appeal was taken.

(E) The Zoning Board of Appeals may, so long as the action is in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed.

(Ord. passed - -)

## § 152.267 VARIANCES.

(A) *Authority.* The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter whereby reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this chapter or by reason of 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. A variance shall not be granted to permit a use that is not permitted in a zoning district by the zoning ordinance.

(B) *Information required.* An application for a variance shall provide the following information:

(1) Legal description, address, and tax ID parcel number of the property.

(2) An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings or angles, correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; lot area and all calculations necessary to show compliance and/or non-compliance with the regulations of this chapter; location of all adjacent buildings, driveways, parking areas and structure.

(3) Name and address of the applicant, property owner(s), and the interest of the applicant in the property.

(4) A list and description of each section of the zoning ordinance for which the variance is requested.

(C) *Standards.* A variance from the terms of this chapter shall not be granted by the Zoning Board of Appeals unless and until:

(1) A written application for a variance is submitted, demonstrating the following:

(a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.

(b) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(c) That the special conditions and circumstances do not result from the actions of the applicant.

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(e) That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) The Zoning Board of Appeals shall determine that the requirements of the chapter have been met by the applicant for a variance.

(3) The Zoning Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible a reasonable use of the land, building or structure.

(4) The Zoning Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(D) *Conditions.* In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(E) *Voiding of variance.* Each variance granted under the provisions of this chapter shall become null and void unless:

(1) The construction authorized by the variance or permit has been commenced within 180 days after the granting of the variance and pursued diligently to completion; or

(2) The occupancy of land or buildings authorized by the variance has taken place within 180 days after the granting of the variance.

(F) *Re-application.* No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of 365 days from the denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

(Ord. passed - -)

#### **§ 152.268 EXPANSION AND SUBSTITUTION OF NONCONFORMITIES.**

The Zoning Board of Appeals shall determine whether a nonconforming building or structure may be expanded, except as otherwise provided in §§ 152.215 through 152.227, above, and whether a nonconforming use may be substituted for another nonconforming use.

(Ord. passed - -)

#### **§ 152.269 SITE PLAN REVIEW.**

If an appeal to the Zoning Board of Appeals involves a lot, structure or a use for which site plan approval is required by this chapter, the applicant or appellant shall first apply for preliminary site plan approval as set forth in §§ 152.160 through 152.174, above. The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the site plan. The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Zoning Board of Appeals. The Board shall, upon deciding on

the appeal return the plan and its decision to the Planning Commission for Commission action on the preliminary site plan.  
(Ord. passed - -)

**§ 152.270 SPECIAL USES AND PUD'S.**

The Zoning Board of Appeals shall not have authority to reverse or modify a Planning Commission decision to approve or deny a special use permit or the Village Council's decision to approve or deny a planned unit development, nor waive or modify any conditions of approval. The Zoning Board of Appeals shall not have authority to grant variances to special uses or planned unit development regulations or standards, or to any site plan approved as part of a special use permit or a PUD.  
(Ord. passed - -)

**§ 152.271 AUTOMATIC STAY OF DECISION; TIME FOR APPEAL TO COURT; PROVISION FOR SECURITY.**

No zoning permit, building permit or certificate of occupancy shall be issued for 21 days after the date of filing proof of an appeal. Within the 21 days any interested party may file an appeal or complaint with the Jackson County Circuit Court, or any other court of competent jurisdiction. Unless stayed by order of a court, an applicant shall be entitled to receive permits and certificates. During the 21-day appeal period, the applicant may receive a zoning permit, building permit and or certificate of occupancy pursuant to the applicant's request notwithstanding the provisions of this section, if the applicant submits to the Zoning Board of Appeals, the applicant's written agreement and undertaking to indemnify the Board, the village, its officers, officials and employees from any and all liability for claims, damages costs including attorney fees and costs of litigation with respect to any litigation threatened or asserted concerning the decision of the Zoning Board of Appeals, together with sureties, individual or corporate and amount of security to be determined by the Board and in a form approved by the Village Attorney. If the applicant requests a waiver of the 21-day stay as part of the applicants appeal to the Board of Appeals, the Board, in its resolution, shall establish the amount of security to be given. Upon the filing of the security established by the Board, the requested zoning permit, building permit or certificate of occupancy, as the case may be, shall be issued. In no case shall the amount of security be less than \$5,000 in the form of cash, irrevocable letter of credit from a commercial bank, or corporate bond. If litigation is instituted during the 21-day period, the form of security shall provide that the security shall continue until the litigation is determined by final judgment. If litigation is instituted after an amount of security has been determined, the Board shall have the right to predetermine and increase the amount of security from time to time, as it believe necessary to protect the interest of the village.  
(Ord. passed - -)

***AMENDMENTS***

**§ 152.285 INITIATING AMENDMENTS.**

The village may, from time to time, amend, modify supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Amendments may be initiated by resolution of the

village, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. All proposed amendments shall be referred to the Village Planning Commission for review, public hearing and recommendation for action to the Village Council.  
(Ord. passed - -)

**§ 152.286 FEES.**

The Village Council shall establish by resolution fees for zoning amendment petitions. The fee shall be paid at the time of filing of the petition and no part of the fee shall be returnable to the petitioner. Fees shall not be required for amendment petitions filed by any government agency or body.  
(Ord. passed - -)

**§ 152.287 AMENDMENT PROCEDURE.**

(A) The procedure for amending this chapter shall be in accordance with the Michigan Zoning Enabling Act 110 of 2006, as amended.

(B) A petition shall be filed with the Village Clerk. The Clerk shall transmit the petition to the Village Planning Commission for public hearing, review and report to the Village Council.

(C) The Planning Commission shall report its findings and its recommendations for action on the petition to the Village Council following the public hearing, but within 125 days of the filing date. This time limit may be extended by agreement between the petitioner and the Planning Commission.  
(Ord. passed - -)

**§ 152.288 PUBLIC HEARING.**

The Planning Commission shall hold a public hearing on each petition. (See Appendix C.)

**§ 152.289 INFORMATION REQUIRED.**

(A) If a petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

- (1) A legal description of the property, including the street address and tax code number(s).
- (2) A scaled map of the property, (correlated) with the legal description, clearly showing the property's location and adjacent land use and zoning districts, and all existing improvements on the property, such as buildings and driveways.
- (3) The name, address, and telephone number of the petitioner(s).
- (4) The nature of each petitioner's interest in the property. If the petitioner is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the petition.
- (5) Identification of the zoning district requested and the existing zoning of the property.

(6) Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information.

(7) The Planning Commission may require additional information that it deems necessary to make the findings required in § 152.290, below.

(B) A petition that is filed for an amendment to the text of the zoning ordinance shall provide the following information:

(1) A detailed statement that, clearly and completely sets forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.

(2) Name and address of the petitioner.

(3) Reasons for the proposed amendment.

(Ord. passed - -)

#### **§ 152.290 FINDINGS REQUIRED FOR A ZONING MAP AMENDMENT.**

The Planning Commission shall identify and evaluate all factors relevant to the petition. The Planning Commission shall report its findings and recommendations in accordance with § 152.264(G), above. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

(A) Whether the requested zoning change is justified by a change in conditions since the original ordinance.

(B) The precedents, and the possible effects of the precedents, which might result from approval or denial of the petition.

(C) The capacity of the village or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.

(D) Effect of approval of the petition on the condition and/or value of property in the village or in adjacent municipalities.

(E) Relationship of the petition to the adopted general development plan of the village and of other government units, where applicable.

(F) The petition is consistent with the zoning classification of surrounding land.

(G) The property in the petition complies with the regulations of the zoning district requested.

(H) The property in the petition is suitable in terms of its physical features and its location for all uses that are permitted in the zoning district requested.

(Ord. passed - -)

#### **§ 152.291 FINDINGS REQUIRED FOR A TEXT AMENDMENT.**

The Planning Commission shall consider the following standards in preparing its report and recommendation to the Village Council.

(A) The proposed amendment is consistent with the intent and purpose of the zoning ordinance.

(B) The proposed amendment will be consistent with the village's adopted comprehensive plan.

(C) The petition is supported by a change in conditions since the zoning ordinance was adopted, or by a mistake in the zoning ordinance.

(D) The proposed amendment is supported by problems or conflicts in implementation or interpretation of this chapter, as documented by village staff or the Zoning Board of Appeals.

(E) The proposed amendment is needed to accommodate changes in state legislation, by recent case law, or rendered by the Attorney General of the State of Michigan.

(F) The proposed amendment will promote compliance with changes in other village ordinances or county, state or federal regulations.

(Ord. passed - -)

#### **§ 152.292 PUBLICATION.**

Following Village Council adoption of an amendment to the zoning ordinance, notice of the amendment shall be published in accordance with the Michigan Zoning Enabling Act 110 of 2006, as amended.

(Ord. passed - -)

#### **§ 152.293 CONFORMANCE TO COURT DECREE.**

Any amendment for the purpose of conforming a provision to the decree of a court of competent jurisdiction shall be adopted by the village and the amendments published without referring the same to any other board or agency.

(Ord. passed - -)

#### **§ 152.294 REHEARING ON AMENDMENTS.**

Whenever a proposed amendment, supplement or change has not been approved by the Village Council, the amendment, supplement or change shall not be resubmitted to the village for at least one year from the effective date of final action unless it is established that there has been a material change in circumstances and attested thereto.

(Ord. passed - -)

### ***LEGAL STATUS***

#### **§ 152.310 CONFLICT WITH OTHER LAWS.**



Conflicting laws of more restrictive nature are not affected or repealed by this chapter. The provisions of this chapter shall be considered a minimum requirement. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed. This chapter is not intended to abrogate 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. passed - -)

#### **§ 152.311 VALIDITY AND SEVERABILITY CLAUSE.**

If any court of competent jurisdiction shall declare any part of this chapter to be invalid, the ruling shall not affect any other provisions of this chapter not subject to the ruling. If any court of competent jurisdiction shall declare invalid that application of any provision of this chapter to a particular land, parcel, lot, district, use, building, or structure, the ruling shall not affect the application of the provisions to any other land, parcel, lot, district, use, building or structure not specifically included in the ruling.

(Ord. passed - -)

#### **§ 152.312 PERIOD OF EFFECTIVENESS.**

This chapter shall remain in full force and effect until repealed.

(Ord. passed - -)

#### **§ 152.313 EFFECTIVE DATE.**

The ordinance codified herein shall take effect 20 days after the date of adoption.

(Ord. passed - -)

### ***VIOLATIONS, ENFORCEMENT AND SANCTIONS***

#### **§ 152.325 VIOLATIONS.**

(A) *Violation.* Any building or structure constructed, erected, altered, extended, repaired, used or occupied, or lot, parcel, or premises used, or which is begun or changed, in violation of the provisions of this chapter or in violation of a certificate of occupancy issued hereunder, is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.

(B) *Prosecution of violation.* The Planning and Zoning Administrator and/or Ordinance Enforcement Officer may institute appropriate proceedings to restrain, correct, or abate the violation or to require the removal or termination of the unlawful use of the lot or structure which is in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

(C) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the village from instituting appropriate action to prevent unlawful construction or to restrain, correct,

or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, business, or use of a structure or premises.  
(Ord. passed - -)

#### **§ 152.326 STOP-WORK ORDER.**

Upon notice from the Planning and Zoning Administrator that work on any structure or premises is being conducted contrary to the provisions of this chapter, that work shall be immediately stopped. The stop-work order shall be posted on the property. The stop-work order shall also be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which the work may be resumed. Any person, who shall continue any work in or about the structure or premises after having been served with a stop-work order, except work as the person is directed by the Planning and Zoning Administrator to remove violations or unsafe conditions, shall be subject to the foregoing penalties.  
(Ord. passed - -)

#### **§ 152.327 SERVICE OF APPEARANCE TICKETS.**

In addition to the remedies in §§ 152.325, 152.376 and 152.999, the Ordinance Enforcement Officer and/or Planning and Zoning Administrator may institute any appropriate action or proceedings to prevent any erection, construction, alteration, repair, maintenance or use which is in violation of the provisions of this chapter; to restrain, correct, abate the violation; to prevent the occupancy of any building, structure or land; to prevent any act, conduct, business, or use in and about any premises in violation of this act, by any appropriate civil or criminal proceeding. The Planning and Zoning Administrator and/or the Ordinance Enforcement Officer may appear before the district judge, magistrate, or clerk, and file a complaint charging the person violating this chapter with the offenses specified, praying for the arrest of the person, or in lieu thereof, issue and serve an appearance ticket by serving upon a person the appearance ticket when the Ordinance Enforcement Officer and/or Planning and Zoning Administrator has reasonable cause to believe that the person has committed the offense of violating a provision of this chapter. The Ordinance Enforcement Officer and/or Planning and Zoning Administrator is authorized to issue appearance tickets pursuant to Public Act 366 of 1984.  
(Ord. passed - -)

#### **§ 152.999 PENALTY.**

(A) Any person who shall violate this chapter or shall fail to comply with any of its requirements, or who shall erect, construct, alter or repair a structure in violation of an approved plan or directive of the Planning and Zoning Administrator, or of a certificate or permit issued under the provisions of this chapter, shall be guilty of a misdemeanor. Upon conviction thereof, that person shall be punishable by a fine of not more than \$500 or by imprisonment not exceeding 90 days or both. Each day a violation occurs shall be deemed a separate offense.

(B) Any person or other entity who violates any of the provisions of this chapter may be subject to fines and/or criminal prosecution as outlined in the village zoning enforcement plan.  
(Ord. passed - -)

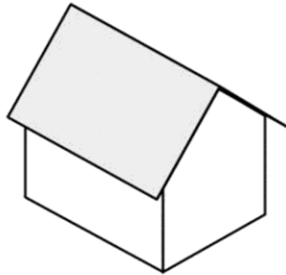
## Appendix A: Area, Height and Bulk Regulations

<i>Zoning District, Area, Height, and Bulk Regulations</i>								
		<i>Lot Requirements</i>			<i>Minimum Yard Requirements</i>			<i>Max.</i>
<i>District</i>	<i>Symbol</i>	<i>Min. Area</i>	<i>Min. Width</i>	<i>Max. Coverage</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Principal</i>
Residential	RS-1	10,000 sq. ft.	100 ft.	30%	20 ft.	10 ft. per	20 ft.	35 ft.
Multi-family Residential	RM-1	10,000 sq. ft.	80 ft.	25%	25 ft.	10 ft. per	25 ft.	35 ft.
Mobile Home Residential	MH-1	§ 152.054						20 ft.
Local Commercial	C-1	10,000 sq. ft.	75 ft.	50%	25 ft.	10 ft. per	25 ft.	35 ft.
Central Business District	C-5	5,000 sq. ft.	50 ft.	75%	10 ft.	10 ft. per (if detached)	25 ft.	40 ft.
Light Industrial	I-1	20,000 sq. ft.	80 ft.	25%	35 ft.	20 ft.	35 ft.	35 ft.

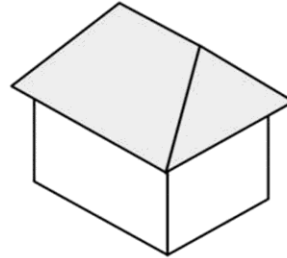
(Ord. passed - -)

Appendix B: Roof Diagrams

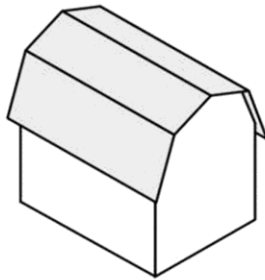
Appendix "B" - Roof Diagram



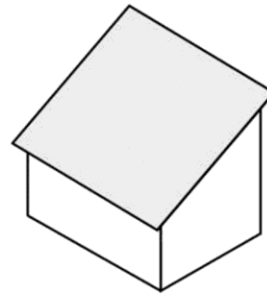
GABLE ROOF DESIGN



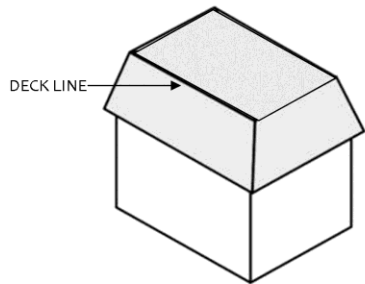
HIP ROOF DESIGN



GAMBREL ROOF DESIGN



SHED ROOF DESIGN



MANSARD ROOF DESIGN



FLAT ROOF DESIGN

(Ord.  
passed - -  
)



## Appendix C: Public Hearing Notice Requirements

### A Summary of Statutory Requirements

The following is a summary of the public hearing requirements in Act 11, PA 2006, as amended by Act 12, PA 2008. Anyone using the zoning ordinance who is interested in the statutory language regarding public hearings for zoning purposes should consult the preceding statutes.

#### 1. SPECIAL USE PERMITS

Notice of the public hearing shall:

- A. Be published, mailed, or delivered not less than 15 days prior to the date on which the public hearing will be held.
- B. Be published in newspaper that circulates in the Village of Parma or posted as required by the State of Michigan.
- C. Be sent by mail or personal delivery to:
  1. Owners of the property for which the special use permit is being considered.
  2. All persons to whom real property is assessed with 300 feet of the boundary of the property for which the special use is being considered.
  3. Occupants of all structures within 300 feet of the boundary of the property for which the special use permits is being considered, regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used.
- D. Describe the nature of the special use request, indicate the property which is the subject of the special use request, state when and where the request will be considered, indicate when and where written comments will be received concerning the request, and be mailed and published not less than 15 days before the date of the hearing.

#### 2. ZONING BOARD OF APPEALS HEARINGS

Notice of a hearing before the Zoning Board of Appeals shall:

- A. Be published, mailed, or delivered not less than 15 days prior to the date on which the public hearing will be held.
- B. Be published in newspaper that circulates in the Village of Parma.
- C. Be sent by mail or personal delivery to:
  1. The person making the request.

2. All persons to whom real property is assessed within 300 feet of the boundary of the property and to all occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Village. If the name of the occupant is not known, the term “occupant” may be used in the notice.

- D. Describe the nature of the request.
- E. Describe the time, date, and place of the public hearing.
- F. Describe when and where written comments concerning the request will be received.

In addition, a hearing for a variance request shall describe the property in the request, including a list of all existing street addresses within the property, or, if no street addresses exist, other means of identifying the property.

### 3. ZONING ORDINANCE AMENDMENTS (INCLUDES SPECIAL ZONING DISTRICTS)

Notice of public hearing shall:

- A. Be published, mailed or delivered not less than 15 days prior to the date on which the public hearing will be held.
- B. Be published in newspaper that circulates in the Village of Parma.
- C. Describe the nature of the request.
- D. Be sent by mail or personal delivery to the owners of the property in the petition.
- E. Describe the property in the request, including a list of all existing street addresses within the property, or, if no street addresses exist, other means of identifying the property.
- F. Describe when and where written comments concerning the request will be received.
- G. Describe the time, date, and place of the public hearing.
- H. The notice shall be sent by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district or zone affected, that registers its name and mailing address with the Village clerk for the purpose of receiving the notice of public hearing.

If the rezoning petition is for 10 or fewer adjacent properties, the notice shall also be sent mail or personal delivery to:

- A. All persons to whom real property is assessed within 300 feet of the property.
- B. The occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Village. If the name of the occupant is not know, the term “occupant” may be used in the notice.