

## **TITLE XV: LAND USAGE**

### **Chapter**

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**151. MOBILE HOMES**

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## **CHAPTER 150: BUILDING REGULATIONS**

### **Section**

#### ***Building Numbers and Access Lanes***

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#### ***BUILDING NUMBERS AND ACCESS LANES***

##### **§ 150.01 PURPOSE.**

It is the intent of this subchapter to safeguard the public health and welfare by regulating the size and placement of building identification, so that it will be readily visible from the exterior of the building, to require each unit of a multiple-dwelling residence to be adequately identified, and to require the maintenance of access lanes for all buildings more than 100 feet off the public roadway.

(Ord. 166, passed 11-6-97)

##### **§ 150.02 RESPONSIBILITY FOR PLACEMENT AND MAINTENANCE OF NUMBERS.**

The owner, occupant or agent in charge of a building, dwelling or multiple-family dwelling shall be required to place and maintain the correct identifying number on the front, or, when rear

identification is required, on the rear of any building, dwelling or multiple-dwelling residence. In the case of a multiple-family dwelling, the owner or agent in charge shall be required to adequately identify, by letter or number, each unit of a multiple-dwelling residence.

(Ord. 166, passed 11-6-97) Penalty, see § 150.99

### § 150.03 ACCEPTABLE NUMBERS; PLACEMENT.

#### (A) *Placement of numbers.*

(1) Approved numbers shall be placed on all new dwelling houses in such a position near the principal entrance, not less than five feet above the ground, so as to be readily visible and legible from the street fronting the property.

(2) Approved numbers shall be placed on all new multiple-dwelling residences in such a position near the principle entrance, not less than five feet above the ground, so as to be readily visible and legible from the street fronting the property.

(3) Approved numbers or letters shall be placed on or near the principal entrance of each unit of a multiple-dwelling residence, so as to readily and adequately identify each unit.

(4) Approved identification shall be placed on all new commercial or industrial buildings in such a position near the principal entrance, not less than five feet nor more than 12 feet above the ground, so as to be readily visible and legible from the street fronting the property. Additionally, commercial or industrial buildings that have frontage on two parallel streets, or a parallel street and alley, shall have approved identification on the rear of the building as described in the preceding sentence. The approved identification shall consist of a sign containing the occupant's business name or the full street name and number of the premises.

(5) In addition to the requirements set forth in divisions (A) through (D) of this section, all structures located more than 100 feet from the nearest roadway shall place approved numbers or letters at the access drive to the property.

#### (B) *Appearance of numbers.* Approved numbers or letters shall conform to the following standards.

(1) Colored so as to contrast readily and visibly with their background.

(2) Constructed of reflective materials.

(3) A minimum of three inches in height.

(4) Not overly ornate, script-like in nature, or spelled out in words.

(5) Not mounted on a door covered by a screen or storm door.

(Ord. 166, passed 11-6-97) Penalty, see § 150.99

**§ 150.04 ACCESS LANES; MAINTENANCE.**

The owner, occupant or agent in charge of any building, dwelling or multiple-dwelling residence constructed after the effective date of this subchapter that is located 100 or more feet off the public roadway shall maintain an access lane not less than 14 feet in width for the use of police, fire, and other emergency vehicles. This access lane shall be kept clear and shall be maintained by the owner, occupant or agent in charge of the building, dwelling or multiple-dwelling situated thereon.

(Ord. 166, passed 11-6-97) Penalty, see § 150.99

**§ 150.05 ENFORCEMENT.**

The Quincy Police Department shall enforce this subchapter. All new structures shall be brought into compliance upon completion. Upon notification of noncompliance, the owner, occupant or agent in charge thereof shall, within seven days of notification, install approved numbers or letters on the premises. Failure to comply shall be a violation of this subchapter.

(Ord. 166, passed 11-6-97) Penalty, see § 150.99

150.06 Wood burning furnaces, free standing  
(See insert Ordinance 203)  
**FENCES**

**§ 150.15 DEFINITIONS.**

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

(A) **FENCE.** Any construction, barrier or erection encircling either wholly or any portion of any given area.

(B) **PROTECTIVE MEASURES FENCE.** A fence erected for the express purpose of the protection of the enclosed area and its conditions in all areas other than residential areas. When a **PROTECTIVE MEASURES FENCE** employs barbed wire along the edge, the minimum height of the fence shall be four feet.

(Ord. 51, passed 12-2-58)

**§ 150.16 PERMIT REQUIRED; APPLICATION.**

(A) It shall be unlawful for any person, firm or corporation to construct or cause to have constructed any fence upon any property within the village without first having obtained a permit therefor in the manner hereinafter provided.

(B) Any person desiring to build or to cause to be built a fence in the village shall first apply to the Village Council for a permit. The application shall contain any and all information required by the Council, necessary for the determination whether the erection of the fence will violate this subchapter or any ordinance of this village or any laws of this state.

(Ord. 51, passed 12-2-58) Penalty, see § 10.99

#### **§ 150.17 RESTRICTIONS AND MAINTENANCE.**

(A) No person being the owner, lessee, occupant or agent for the same of any property in the village shall erect, cause to be erected, or maintain on or about the walk or stairway to the entrance of any building, or on or about its exterior building line, or upon partition fences, or upon any portion of the sidewalk adjacent to the building any rail, fence, guard or other protection on which there shall be affixed, or placed, or in any manner attached, any spike, nail, barb or other pointed instrument of any kind or description. Nor shall any barbed wire fence be constructed or maintained partially or wholly around any area adjacent to any public space or place, nor shall anyone nail, or cause the same to be nailed or fastened in any form shape or manner upon any partition form.

(B) Fences must be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, impairs life or property, shall be deemed a nuisance. Any barbed wire fence constructed, maintained, or existing contrary to the provisions of this subchapter is hereby declared to be a nuisance. The Chief of Police shall notify the owner of the property on which such a fence is located of the existence of such a nuisance, and the nuisance must be abated within ten days after the receipt of the notice from the Chief of Police.

(Ord. 51, passed 12-2-58) Penalty, see § 10.99

#### **§ 150.18 FENCE AS NUISANCE; PROVISIONS FOR REMOVAL.**

Any fence which shall by this subchapter or by decree of the Village Council in accordance with this subchapter shall be deemed a public nuisance, and after due and proper notice to abate the same as provided herein, the owner, occupant or tenant thereof, or the person having charge of the same fails to remove the cause of the nuisance, the Chief of Police shall enter on the premises where the nuisance exists and with any assistance as shall be necessary, abate, remove and destroy the cause of the nuisance. The cost and expenses of this shall be paid by the Village Council, which costs and expenses shall be forfeited and paid and shall be charged against the owner, occupant, tenant or person in possession, and may be recovered from them or either of them by the village, together with the costs of prosecution.

(Ord. 51, passed 12-2-58) Penalty, see § 10.99

#### **§ 150.19 NON-INTERFERENCE WITH STATE LAWS.**

If any section, clause, or provision of this subchapter shall be declared to be inconsistent with the constitution and laws of the state, and voided by any court of competent jurisdiction, the section, clause

or provision declared to be unconstitutional and void shall thereby cease to be a part of this subchapter, but the remainder of this subchapter shall stand and be in full force.

(Ord. 51, passed 12-2-58)

**§ 150.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Whoever violates the provisions of § 150.01 through 150.05 shall be guilty of a misdemeanor and shall be fined not more than \$300, and in addition thereto, shall be subject to a term of incarceration in the Branch County Jail for a period not to exceed 30 days.

(Ord. 166, passed 11-6-97)



Section 150.06  
Building Regulations

ORDINANCE NO. 203

THE VILLAGE OF QUINCY HAS DETERMINED THAT THE USE OF FREE STANDING WOOD BURNING FURNACES, FOR THE HEATING OF BUILDINGS IN THE VILLAGE IS A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE VILLAGE. THEREFORE:

THE VILLAGE OF QUINCY ORDAINS:

**Section 1. Definition.** For purposes of this section, the term "free standing wood burning furnace" shall mean any device or structure that:

- (a) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure;
- (b) Operates by the burning of wood or other solid fuel; and
- (c) Is not located within a residential structure.
- (d) Excluded from the definition of free-standing wood burning furnace is any device which is not designed or used to heat a structure other than the structure in which it is located.

**Section 2. Prohibition.** It shall be unlawful to install or operate a free-standing wood burning furnace, and to cause or permit the installation or operation of a free-standing wood burning furnace, within the Village.

**Section 3. Conflicts.** This section shall not be construed as an exemption or exception to any other provision of these Codified Ordinances, including the Building Code, Property Maintenance Code, or any other Code or ordinances. In the event of a conflict between the provisions of this section and any other ordinance or other provision of law, the more restrictive provision shall apply.

**Section 4. Existing Uses.** This section shall not apply to any free-standing wood burning furnace that was installed, connected, and operating as of the effective date of this section. However, this section shall not be deemed as specific authorization for the use of any preexisting free-standing wood burning furnace and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of a free-standing wood burning furnace.

**Section 5. Violations; Declaration of Nuisance.** Any free standing wood burning furnace installed or operated in violation of this section is hereby declared to be nuisance per se.

**Section 6. Issuance of Civil Infraction, Citations, and Notices.** The Village Manager, or his/her directed representative are hereby designated as the authorized Village officials to issue Municipal civil infractions.

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Section 7. Penalty. Whoever violates any provision of this section is responsible for a Municipal civil infraction, and shall be subject to the payment of a civil fine of not less than one hundred dollars (\$100.00), plus costs and other sanctions for each infraction. Each day that a violation exists or continues shall constitute a separate and additional violation.

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## CHAPTER 151: MOBILE HOMES

### Section

- 151.01 Compliance required
- 151.02 Definitions
- 151.03 Installation; systems compatibility
- 151.04 Utility hookups
- 151.05 Skirting
- 151.06 Anchoring systems; requirements
- 151.07 Anchoring systems; request for approval
- 151.08 Installer and repairer; liability insurance

### **§ 151.01 COMPLIANCE REQUIRED.**

It shall not be lawful for any person or persons to install or locate a mobile home within the village limits without fully complying with the following requirements.

(Ord. 90, passed 10-12-82) Penalty, see § 10.99

### **§ 151.02 DEFINITIONS.**

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

**ANCHORING EQUIPMENT.** Straps, cables, turnbuckles, chains, including tension devices, or other securing devices which are used with ties to secure a mobile home to ground anchors.

**ANCHORING SYSTEM.** A combination of **TIES**, **ANCHORING EQUIPMENT**, and **GROUND ANCHORS**, that will, when properly installed, resist movement of an emplaced mobile home caused by wind forces.

**CAP.** A solid concrete block, solid wood block, or solid steel plate which is placed on top of the **PILLAR**, covering the width and length of the **PILLAR**.

**FOUNDATION.** The base upon which a mobile home rests.

**GROUND ANCHOR.** Any device designed to transfer the mobile home anchoring loads to the ground.

**INSTALLATION.** The process of mounting the mobile home on a **FOUNDATION**. This includes the initial acts of jacking up the mobile home, leveling, and connection to utilities, and the attachments of skirting, expandos, cabanas, carports, any device relating to barrier-free design, and other fixtures to the mobile home pursuant to a signed work order.

**PILLAR.** The portion of the mobile home support system between the **PLATFORM** and the mobile home frame, exclusive of **CAPS** and **SHIMS**.

**PLATFORM.** A 16-inch by 16-inch by 4-inch solid concrete block that is placed directly on the ground and serves as the foundation of a **PILLAR**. As an alternative, 2 eight-inch by 16-inch by 4-inch solid concrete blocks may be used as **PLATFORMS** if the joint between the blocks is parallel to the steel I-beam frame.

**SHIM.** A wooden wedge with a 1-inch maximum thickness and not less than 4 inches wide and 6 inches long which, when driven in tightly in pairs between the cap and the mobile home frame, acts as a lending and stabilizing device.

**TIE.** Straps, cables, or a securing device used to connect a mobile home to ground anchors.  
(Ord. 90, passed 10-12-82) Penalty, see § 10.99

### § 151.03 INSTALLATION; SYSTEMS COMPATIBILITY.

(A) *Installation.* The installation of mobile homes shall, at a minimum, comply with the following specifications.

(1) Pillars shall be installed directly under each main frame beam. If the distance between the main frame beams does not conform to the pad or pillars that are permanently installed on the mobile home site, cross-beams shall be used. These cross-beams may be of steel or pressure-treated wood which resists decay and has an imposed load capacity of 3,000 pounds per square foot (PSF). The cross-beams shall extend a minimum of 6 inches beyond each main frame beam, but shall not extend beyond the sides of the mobile home. A wood beam shall not rest on the ground, but shall rest on the cap. If the cross-beam interferes with a utility to the mobile home, the cross-beam placement may be between blocks. If a cross-beam is used between blocks, it shall be minimum of 6 inches by 8 inches.

(2) Pillars shall be placed on 10-foot centers along the length of each main frame beam, but may be placed at less than 10-foot centers. If the pillars interfere with the axle area, they may be placed to a maximum of 13-foot centers, but the pillar placement shall not be less in number than if placed on 10-foot centers.

(3) The pillars nearest each end of the mobile home shall be within 3 feet of either end.

(4) All grass and organic material shall be removed and the pillar or platform shall be placed on stable soil.

(5) Pillars shall be constructed of solid concrete, cored concrete blocks unless other cored concrete blocks are supplied by the consumer, or a heavy metal screw column which bears on both frame and foundation or other acceptable design and construction meeting mobile home industry standards.

(6) Concrete-block pillars shall be constructed of regular 80-inch by 8-inch by 16-inch blocks and placed on the pillar platform. The blocks shall be placed with the open cells vertical, and blocking of the pillar shall be single-tiered. A cap shall be placed on top of the pillar. A wood plate 1 inch by 8 inches by 16 inches, or 2 inches by 8 inches by 16 inches, may be placed on top of the cap for leveling. Shims may be fitted and driven tight between the wood plate or cap and the mainframe, and shall not take up more than 1 inch of vertical height.

(7) Pillars shall be installed perpendicular to the main frame of the mobile home.

(8) Solid concrete pillars may be of cone or pyramid design with minimum 16-inch base tapered to a minimum 9-inch top. Shimming shall be the same as for the concrete block pillar.

(9) All pillars shall have a minimum imposed load capacity of 3,000 pounds.

(10) If the manufacturer's recommended installation specifications exceed the minimum specifications stated in these rules the manufacturer's specification shall in all cases be complied with.

(11) Mobile homes may be installed on a basement or crawlspace-type foundation, provided the foundation complies with local building codes and ordinances, and meets the manufacturer's specifications for pillar placement and imposed load capacity.

(B) *Systems compatibility.* All components used in the installation of a mobile home, such as platforms and pillars, shall be uniform in construction and shall be compatible with any existing system that may be installed on the mobile home site.

(Ord. 90, passed 10-12-82) Penalty, see § 10.99

#### **§ 151.04 UTILITY HOOKUPS.**

All utility hookups to a mobile home shall be in compliance with the following minimum standards.

(A) *Water.* Each mobile home shall be connected to the service outlet by semi-ridged tubing, such as copper tubing or approved plastic piping. The minimum size shall be  $\frac{1}{2}$ -inch inside diameter or  $\frac{5}{8}$ -inch outside diameter. An easily accessible hand-manipulated shutoff valve shall be installed on the water supply inlet to the mobile home. A water supply protection device, such as heat tape, U.L. or similarly listed, shall be installed at the time the mobile home is installed on site to prevent the freezing of service lines, valves and riser pipes. The starting point of the protection device, excluding the plug-in cord, shall

be attached one inch beyond the underside and shall completely cover the full length of the piping to include the water service riser. The riser shall be insulated and covered to prevent loss of heat. The wrapping or spiraling of the protection device shall comply with the manufacturer's specification. If an extension cord is used, it shall be U.L. or similarly listed and shall be approved for exterior use.

(B) *Fuel.* Mobile home fuel supply systems shall conform to the following standards.

(1) Furnaces, hot water heaters, appliances, or any item of equipment which uses gas shall be fully compatible with the type of gas used. An easily accessible, approved hand-shutoff valve controlling the flow of gas to the entire gas piping system shall be installed as close as possible to the service meter or supply connection of the liquified petroleum gas container. Approved piping with minimum  $\frac{1}{2}$ -inch inside diameter or  $\frac{5}{8}$ -inch outside diameter shall be used for any gas line. After appliances are connected, the piping system shall be tested to not less than 10 inches nor more than 14 inches of water column ( $\frac{1}{2}$  PSI), and the appliance connections shall be tested for leakage with soapy water or bubble solution.

(2) A mobile home fuel supply system other than gas shall comply with state and local codes and ordinances, but, at a minimum, shall comply with the standards contained in paragraph 4.3.1 to 4.3.4, National Fire Protection Association, No. 501B, 1974.

(C) *Sewer.* At a minimum, schedule 30 plastic pipe with a minimum 3-inch diameter shall be used from the mobile home outlet to the site sewer service line. The sewer line shall be supported at not less than 4-foot intervals. Plumber's strapping shall be used for support when possible. All joints shall be sealed to preclude leaks. There shall be an approved seal at the sewer riser. All plumbing shall be installed pursuant to local codes.

(Ord. 90, passed 10-12-82) Penalty, see § 10.99

#### § 151.05 SKIRTING.

(A) Mobile home skirting shall be vented. Louvered or similar vents shall be at a minimum of 600 square inches per 1000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and two to each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer.

(B) Skirting shall be installed in a manner so as to resist damage under normal weather conditions including, but not limited to, damage caused by freezing and frost, wind, snow, and rain.

(Ord. 90, passed 10-12-82) Penalty, see § 10.99

#### § 151.06 ANCHORING SYSTEMS; REQUIREMENTS.

All mobile home anchoring systems shall conform to the following standards.

(A) The system shall be designed and constructed in compliance with the United States Department of Housing and Urban Development regulations entitled *Manufactured Home Construction and Safety Standards*, 24 CFR 3280, which are adopted by reference into this chapter as it set forth fully herein.

(B) The system shall be installed in compliance with the manufacturer's specifications.

(C) The system shall be approved for sale and use within this state by the Michigan Construction Code Commission.

(D) An anchoring system that is sold in this state shall be certified in writing by the manufacturer as meeting the standards required by these rules.

(E) A manufacturer shall furnish and ship with each approved anchor system information pertaining to the type of soil the system has been tested and certified to be installed in, and instructions as to the method of installation and periodic maintenance required.

(F) Model number shall be permanently marked on each anchor system.

(Ord. 90, passed 10-12-82) Penalty, see § 10.99

#### **§ 151.07 ANCHORING SYSTEM; REQUESTS FOR APPROVAL.**

(A) To obtain approval for placement and installation of a mobile home within the village, the person or persons desiring to so locate the mobile home shall submit documentation of the proposed anchoring system and request approval from the Branch County Building Inspector.

(B) The following exhibits shall be attached to the request for approval.

(1) Detailed drawings of each type of anchor system, containing but not limited to, brand name, name and address of manufacturer, model identification, all dimensions, type and location of welds or fastenings, type of materials, tie method, and ground anchor method. Each drawing shall bear the seal of an engineer who is registered in the state of the anchor system's manufacturer, or the state of Michigan.

(2) Certified test results that were conducted by an accredited independent testing laboratory or engineering firm which shall include but is not limited to the following.

- (a) Model tested as described in the engineering drawings.
- (b) Method of installation.
- (c) Date of installation.
- (d) Date of test or tests.

- (e) Type of test or tests.
- (f) Date and type of field test.
- (g) Soil profile description or descriptions in which tests were conducted.
- (h) Test equipment used.
- (i) Ground anchor used.
- (j) Pounds of force exerted and resultant uplift of the anchor system.
- (k) Failure point of the anchor system.
- (l) A copy of the installation and periodic maintenance instructions that shall be provided with each model.

(C) Changes in design, construction, and materials used in an approved model shall not be made.

(D) Ten days after receipt of the request for approval, the County Building Inspector shall approve or disapprove the system and shall notify the person or persons making the request and the village by written notice.

(Ord. 90, passed 10-12-82) Penalty, see § 10.99

#### **§ 151.08 INSTALLER AND REPAIRER; LIABILITY INSURANCE.**

As a condition of licensing, an installer and repairer shall maintain liability insurance to cover any loss or injury which may arise from faulty workmanship in the installation and repair of a mobile home. Finished product liability shall not be a condition of the insurance coverage required by this rule.

(Ord. 90, passed 10-12-82) Penalty, see § 10.99

## **CHAPTER 152: PLANNING**

### **Section**

#### ***Master Plan***

- 152.01 Adoption of master plan
- 152.02 Surveys and studies in preparation of plan
- 152.03 Adoption procedures
- 152.04 Public works; approvals, future plan
- 152.05 Recission of action; report and hearing
- 152.06 Planning Commission to adopt subdivision regulations
- 152.07 Plat approval by Planning Commission required; procedures
- 152.08 Modification of interpretation of zoning ordinance

#### ***Planning Commission***

- 152.20 Creation and membership
- 152.21 Officers; meetings and records
- 152.22 Employees; special contracts; expenditures
- 152.23 Publicity and education; further duties

## ***MASTER PLANNING***

### **§ 152.01 ADOPTION OF A MASTER PLAN.**

It shall be the function and duty of the Village Planning Commission to make and adopt a Master Plan for the physical development of the village, including any areas outside of its boundaries which, in the Commission's judgment, bear relation to the planning of the municipality. Such a plan, with the accompanying maps, plats, charts and descriptive matter, shall show the Planning Commission's recommendation for the development of the territory. This shall include, among other things, the general location, character and extent of streets, viaducts, subways bridges, waterways, boulevards, parkways, playgrounds and open spaces; the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated for water, light, sanitation, transportation, communication, power, and other purposes. It shall further include the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, open spaces, buildings, property, utilities or terminals; the

general location, character, layout and extent of community centers and neighborhood units; and the general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. As the work of making the whole Master Plan progresses, the Planning Commission may, from time to time, adopt and publish a part or parts thereof, any part to cover one or more major sections or divisions of the village or one or more of the aforesaid or other functional matters to be included in the plan. The Village Planning Commission may, from time to time, amend, extend or add to the plan.

(Ord. 59, passed 1-2-62)

#### **§ 152.02 SURVEYS AND STUDIES IN PREPARATION OF THE PLAN.**

In the preparation of any such plan, the Village Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the village and with due regard to its relation to the neighboring territory. The plans shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development. This shall include, among other things, adequate provisions for traffic, promotion of safety from fire and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements, including the architectural, structural and esthetic appearance of business structures and public buildings.

(Ord. 59, passed 1-2-62)

#### **§ 152.03 ADOPTION PROCEDURES.**

The Planning Commission may, after approval thereof by the Village Council, adopt the plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, such parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, and before seeking approval thereof by the Village Council, the Planning Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given not less than 15 days prior to the hearing, by one publication in a newspaper of general circulation in the village and in one official newspaper, if any, of the village, and by registered United States mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the geographical sections or divisions of the village. The adoption of the plan or any such part or amendment or extension or addition shall be by resolution of the Planning Commission carried by the affirmative votes of not less than six members of the Planning Commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the map, plan and descriptive matter by the

identifying signature of the chairman and/or secretary of the Planning Commission. An attested copy of the plan or part thereof, when so adopted, shall be certified to the Village Council and the Register of Deeds.

(Ord. 59, passed 1-2-62)

#### **§ 152.04 PUBLIC WORKS; APPROVALS, FUTURE PLANS.**

Whenever the Planning Commission shall have adopted the Master Plan of the municipality or of one or more major sections or districts thereof, no streets, square, park or other public way, ground or open space, or public building or structure shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved of by the Planning Commission. Provided that in case of disapproval, the Planning Commission shall communicate its reasons to the Village Council, which shall have the power to overrule the disapproval by a recorded vote of not less than two-thirds of its entire membership. Provided however, that if the public way, ground, space, building, structure or utility be one, the authorization and financing of which does not under the law or charter provisions governing same, fall within the province of the Village Council, then the submission to the Planning Commission shall be by the board, commission or body having such jurisdiction, and the Planning Commission's disapproval may be overruled by the board, commission or body by a vote of not less than two-thirds of its membership. The failure of the Planning Commission to act within 60 days from and after the date of official submission to the Planning Commission shall be deemed approval. For the purpose of furthering the desirable future development of the municipality under the Master Plan, the Village Planning Commission, after it shall have adopted the Master Plan, shall prepare coordinated and comprehensive programs of public structures and improvements. The Planning Commission shall annually prepare such a program for the ensuing six years, which program shall show those public structures and improvements, in the general order of their priority, which in the Planning Commission's judgment will be needed or desirable and can be undertaken within the six-year period. The above comprehensive, coordinated programs shall be based upon the requirements of the community, for all types of public improvements, and, to that end, each agency or department of the municipality concerned with the improvements shall, upon request, furnish the Planning Commission with lists, plans and estimates of time and cost of public structures and improvements within the purview of that department.

(Ord. 59, passed 1-2-62)

#### **§ 152.05 RECISSION OF ACTION; REPORT AND HEARING.**

Whenever the Village Council shall have ordered the opening, widening or extension of any street, avenue or boulevard, or whenever the Village Council shall have ordered that proceedings be instituted for the acquisition or enlargement of any park, playground, playfield or other public open space, the resolution shall not be rescinded until after the matter has been referred back to the Village Planning Commission for a report, and until after a public hearing shall have been held. The Village Council shall have power to overrule the recommendation of the Village Planning Commission by a vote of not less than two-thirds of its entire membership.

(Ord. 59, passed 1-2-62)

**§ 152.06 PLANNING COMMISSION TO ADOPT SUBDIVISION REGULATIONS.**

Before exercising the power referred to in § 152.05, the Planning Commission shall adopt regulations governing the subdivision of land within its jurisdiction. Those regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the Master Plan, for adequate and convenient open spaces for traffic, utilities access of firefighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots. The regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water, sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the Planning Commission may provide for a tentative approval of the plat previous to the installation but any tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of improvements and utilities prior to the final approval of the plat, the Planning Commission may accept bond with surety to secure to the municipality the actual construction and installation of improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the Planning Commission. The municipality is granted the power to enforce the bond by all appropriate legal and equitable remedies. All such regulations, prior to adoption, shall be approved by the Village Council and after approval shall be published as provided by law for the publication of ordinances, and before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the Planning Commission, to the recorders of the counties in which the municipality and territory are located.

(Ord. 59, passed 1-2-62)

**§ 152.07 PLAT APPROVAL BY PLANNING COMMISSION REQUIRED; PROCEDURES.**

(A) Whenever the Planning Commission shall have adopted that sort of a Master Plan relating to the major street system of the territory within its subdivision, jurisdiction or part thereof, and shall have filed a certified copy of such a plan in the office of the County Register of Deeds in the county in which the territory or part is located, then no plat of a subdivision of land within the territory or part shall be filed or recorded until it shall have been approved by the Planning Commission and approval entered in writing on the plat by the Chairman or Secretary of the Planning Commission.

(B) The Planning Commission shall approve, modify or disapprove a plat within 60 days after the submission thereof to it; otherwise the plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand. Provided however, that the applicant for the Planning Commission's approval may waive this requirement and consent to an extension of that period. The ground of disapproval of any plat shall be stated upon the records of the Planning Commission. Any plat submitted to the Planning Commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no plat shall be acted upon by the Planning Commission without affording a hearing thereon. Notice shall be sent to the address by registered mail of the time and place of the hearing not less than five days before the date fixed therefor. Similar notice

shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the County Auditor's Office and their addresses appear in the directory of the village or on the tax records of the municipality or county. Every plat approved by the Planning Commission shall, by virtue of approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The Planning Commission may, from time to time, recommend to the Village Council, amendments to any zoning ordinance that may be hereafter passed by the Village Council, or map or additions thereto, to conform to the Planning Commission's recommendations for any zoning regulation in the territory comprised within an approved subdivision, provided the requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. The requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof, and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the municipality.

(Ord. 59, passed 1-2-62)

#### **§ 152.08 MODIFICATION OR INTERPRETATION OF ZONING ORDINANCE.**

All matters affecting modifications or interpretations of any village zoning ordinance that may be hereafter passed by the Village Council shall first be submitted to the Village Planning Commission for investigation and recommendation, and the Village Planning Commission shall make the investigation and submit its recommendations in writing within seven days from the date of reference, and the Zoning Board of Appeals shall take no action within that period, awaiting the recommendations of the Village Planning Commission.

(Ord. 59, passed 1-2-62)

### ***PLANNING COMMISSION***

#### **§ 152.20 CREATION AND MEMBERSHIP.**

(A) *Creation.* A Village Planning Commission is hereby created.

(B) *Membership.* The Planning Commission shall consist of nine members who shall represent, insofar as it is possible, different professions or occupations. Six of the members shall be appointed by the Village President, and confirmed by a majority vote of the members-elect of the Village Council. The other three members, who shall serve ex-officio, shall be the Village President, one of the Village Council members to be selected by it, and one of the administrative officials of the village, selected by the President. All members of the Village Planning Commission shall serve without compensation, and all six appointed members shall hold no other municipal office except that one of the appointed members may be a member of the Zoning Board of Adjustment or Appeals. The terms of ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected

by the President shall terminate with the term of the President selecting him. The term of each appointed member shall be three years, except that two members of the first Village Planning Commission to be so appointed shall serve for a term of one year, two members for a term or two years, and two members for a term of three years. All members shall hold office until their successors are appointed and have qualified. Members other than the member selected by the Council, after a public hearing, may be removed by the Village President for inefficiency, neglect of duty or malfeasance in office. Council may for like cause remove the member selected by it. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the President in the case of members selected or appointed by him, and by the Council in the case of the council member.

(Ord. 59, passed 1-2-62)

#### **§ 152.21 OFFICERS, MEETINGS AND RECORDS.**

The Planning Commission shall elect its own Chairman from the members of the Commission and create and fill other offices as it may determine. The term of the Chairman shall be one year, with eligibility for reelection. The Commission shall hold at least one regular meeting each month at the Municipal Building in the village. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be open to public examination. A majority of the Planning Commission shall constitute a quorum for the transaction of business.

(Ord. 59, passed 1-2-62)

#### **§ 152.22 EMPLOYEES, SPECIAL CONTRACTS; EXPENDITURES.**

The Village Planning Commission may appoint any employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be under the direction of the Planning Commission. The Village Planning Commission may also contract with planners, engineers, architects, and other consultants for any services it may require. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Village Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work. No expenditure of any kind shall be made without an appropriation therefor having been first made by the Village Council.

(Ord. 59, passed 1-2-62)

#### **§ 152.23 PUBLICITY AND EDUCATION; FURTHER DUTIES.**

The Planning Commission shall have the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or of any report, and may employ any other means of publicity and education as it may determine. Members of the Planning Commission, when duly authorized by the Planning Commission, may attend village planning conferences or meetings of Village Planning Institutes, or hearings upon pending Village Planning Legislation, and the Planning Commission may, from time to time, by resolution spread upon it minutes, pay the reasonable traveling

expenses incident to attendance. The Planning Commission shall, from time to time, recommend to the appropriate public officials, programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens with the relation to the protecting or carrying out the plan. The Planning Commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, any available information which it may require for its work. The Planning Commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Planning Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purpose of this chapter. (Ord. 59, passed 1-2-62)

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## CHAPTER 153: PROPERTY MAINTENANCE CODE

### Section

- 153.01 BOCA National Property Maintenance Code adopted by reference
- 153.02 Additions, insertion and changes

### **§ 153.01 BOCA PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.**

The "BOCA National Property Maintenance Code," Fifth Edition, 1996, as published by the Building Officials and Code Administrators International, Inc., is adopted as the Property Maintenance Code of the village for the control of buildings and structures as herein provided, and each and all of the regulations, conditions and terms of the BOCA National Property Maintenance Code are referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 153.02.

(Ord. 170, passed - - )

*2003 International Property Maint+ Code- adopted (see insert)*

### **§ 153.02 ADDITIONS, INSERTIONS AND CHANGES.**

The BOCA National Property Maintenance Code is amended and revised in the following respects.

- (A) Section PM-101 1 (page one, second line). Insert *Village of Quincy*.
- (B) Section PM-106 2 (page two, third line). Insert *[\$100] [\$500]*.
- (C) Section PM-106 2 (page two, fourth line). Insert *90 days*.
- (D) Section PM-604 15 (page 11, first and second line). Insert *[June 1] [September 1]*.
- (E) Section PM-602 6 (page 17, third line). Insert *[November 1] [April 1]*.

(Ord. 170, passed - - )

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Chapter 153  
Section 153.01

ORDINANCE NO. 205

An Ordinance to adopt the International Property Maintenance Code, 2003 edition.

The Village of Quincy hereby determines that it is in the best interest for the health, safety and welfare of the citizens of the Village of Quincy, as well as the property located within the Village of Quincy, to adopt a property maintenance code concerning the maintenance and upkeep of the existing structures. Therefore, the Village of Quincy determines that it is in the best interest of the Village to adopt the 2003 edition of the International Property Maintenance Code, regulating and governing the condition and maintenance of all property, building and structures; providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures in the Village of Quincy; providing for the issuance of permits and collection of fees therefor; and repealing all other ordinance or parts of ordinance in conflict herewith. Therefore, the Village Council of the Village of Quincy does hereby ordain as follows:

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the Clerk of the Village of Quincy, being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Quincy, in the State of Michigan, for the regulating and governing of the conditions and maintenance of all property, building and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the Village of Quincy are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections are hereby revised:

Section 101.1 Insert: Village of Quincy, Branch County, Michigan.

Section 103.5 Insert: The scheduled fees shall be adopted by resolution of the Village Council on an annual basis.

Section 304.14 Insert: April 1 through November 1 - ~~Screen~~

Section 602.3 Insert: October 1 until May 1 - ~~Heating - Working furnace~~

Section 602.4 Insert: October 1 through May 1

**Section 3.** That any ordinances previously adopted by the Village of Quincy in conflict with this ordinance, shall be, and hereby are, repealed.

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**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights accrued, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.** That the Clerk of the Village of Quincy is hereby ordered and directed to cause this ordinance to be published.

**Section 7.** That this Ordinance and the Rules, Regulations, Provisions, Requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 21 days from and after its final passage, adoption, and publication in a newspaper of local circulation.

Diane Beckman  
Diane Beckman, Village Clerk

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## CHAPTER 154: SUBDIVISIONS

### Section

- 154.01 Purpose of regulations; subdivision defined
- 154.02 Approval required
- 154.03 Preliminary plat
- 154.04 Final plat
- 154.05 Design standards
- 154.06 Required improvements; design
- 154.07 Compliance required
- 154.08 Changes and amendments
- 154.09 Enforcement

### **§ 154.01 PURPOSE OF REGULATION; SUBDIVISION DEFINED.**

(A) *Purpose.* A lot in a well-developed subdivision, with essential improvements already installed, is a better investment for a prospective purchaser than one which does not have the necessary facilities, and further, that such improvements contribute directly to an individual's health, safety and general welfare. Therefore, in the best interests of the purchaser, subdivider and village at large, certain standards to be required of subdividers are hereby established. It is not the intent of this chapter to discourage subdividers, but it is rather the intent to encourage development and subdividing, which will make for an orderly and well developed community, and preserve land values within the community.

(B) *Definition.* The term **SUBDIVISION** as used in this chapter shall mean the division of a tract or parcel of land into two or more lots, plats or other **SUBDIVISIONS** of land, for the purpose, whether immediate or future, of transferring ownership or building development, including all changes in street or lot lines; provided, however, that this definition shall not include bona fide divisions of land for agricultural purposes, in parcels of more than ten acres, not involving any street or easement of access. (Ord. 60, passed 7-6-62)

### **§ 154.02 APPROVAL REQUIRED.**

No person proposing to make or have made a subdivision within the limits of the village shall enter into any contract of sale, or shall offer to sell, or sell or convey, any subdivision or any part thereof,

or shall proceed with any construction on the proposed subdivision, including grading, until that person shall have obtained the tentative approval of the preliminary plat of the proposed subdivision.  
(Ord. 60, passed 7-6-62) Penalty, see § 10.99

#### **§ 154.03 PRELIMINARY PLAT.**

A preliminary plat shall be prepared for submission before consideration by the Village Planning Commission by a registered professional engineer or registered land surveyor. The following information shall be required on a preliminary plat.

(A) The scale of the drawing not more than 200 feet to the inch, the date, a north arrow and identification of existing bordering streets, property lines, buildings, watercourses, railroad, utilities and other physical features so that the proposed plat may be adequately located in respect to adjoining property.

(B) Names and addresses of the owner and surveyor or engineer preparing the preliminary plat. Names, location and width of proposed streets, alleys, casements, parks, lot lines and existing utilities.

(C) Relative ground elevations at the intersections of all streets and at the extremities of the plat.  
(Ord. 60, passed 7-6-62)

#### **§ 154.04 FINAL PLAT.**

The final plat, prepared in accordance with Public Act 172 of 1929, as amended and containing the features of the accepted preliminary plat, must be submitted within one year from the date of the acceptance of the preliminary plat to the Village Planning Commission, otherwise approval of the preliminary plat shall become null and void. If the preliminary plat is not satisfactory as originally presented, the applicant shall have the opportunity to make changes and additions required by the Village Planning Commission. Upon approval by the Village Planning Commission, the preliminary plat shall thereupon be submitted to the Village Council for their reconsideration and approval at the next regular meeting thereof. A final plat approval shall be conditioned upon the developer meeting the conditions of § 154.06. Upon acceptance and approval by the Village Council, at least three copies of the preliminary plat shall be marked "Approved by Village Council," dated and signed by the President and Village Clerk. One copy shall be returned to the applicant and two copies shall remain on file in the office of the Village Clerk.  
(Ord. 60, passed 7-6-62)

#### **§ 154.05 DESIGN STANDARDS.**

The subdivision shall be so arranged as to be in harmony with the adjoining subdivisions and provide for the continuation of existing streets. Provision shall be made for streets through the subdivision for platting of contiguous property.

(A) *Streets.* The minimum width of streets shall be 60 feet for local streets and 80 feet for arterial or section line streets, provided however that the Village Council may, at its discretion, accept lesser widths for streets of length of less than 600 feet, or streets ending in a cul-de-sac.

(B) *Blocks.* No block shall be more than 1,100 feet in length between the centerlines of intersecting streets, nor less than 500 feet in length. The optimum length of a block shall be considered 800 feet.

(C) *Alleys.* Alleys not less than 18 feet in width shall be provided to serve the rear of all lots proposed for business use.

(D) *Easements.* Easements not less than six feet in width shall be required at the rear of all lots, such assessments to be dedicated and provide for utility service from street to street.

(E) *Lots.* Where sanitary sewer facilities are available, the minimum lot frontage shall be 50 feet and the minimum lot depth 110 feet. Where sanitary sewer facilities are not available the minimum lot frontage shall be 60 feet and the minimum lot depth 150 feet. Lots with frontages on two parallel streets shall be prohibited.

(F) *Parks and public spaces.* The Village Council may accept the dedication of suitable parks and other public open spaces when it appears that the village at large will benefit from such dedication. (Ord. 60, passed 7-6-62) Penalty, see § 10.99

#### **§ 154.06 REQUIRED IMPROVEMENTS; DESIGN.**

The developer shall provide the following improvements before approval of a plat, or shall provide the Village Council with a certified check sufficient to cover full faith and compliance, or shall provide a performance bond in an amount necessary to insure compliance with this section. Sewer and water facilities shall be installed to serve each building before occupancy, and street construction and sidewalk shall be completed within one year after occupancy.

(A) *Water.* The minimum size water main shall be six inches in diameter, and all water mains must be looped so that water is available from two sources to any point. Fire hydrants, gate valves, and appurtenances shall be installed in accordance with accepted engineering practice.

(B) *Sewer.* Adequate sanitary sewer facilities shall be provided to service the subdivision.

(C) *Streets.* Street not less than 30 feet in width, adequate storm drainage, and a six-inch gravel compacted base shall be installed by the subdivider.

(D) *Sidewalks.* Concrete sidewalks not less than four feet in width and four inches in thickness shall be installed by the subdivider.

(E) *Design of improvements.* The improvements listed in this section shall be designed by a registered professional engineer prior to final plat approval. Installation of improvements shall be to

specifications of the village and under inspection by the Superintendent of Streets. If in any instance the village should decide to install a larger water main, sewer or greater width of street, they will bear a pro-rata share of the cost of the particular improvement. In some cases the proposed area to be platted will not be served at its borders by water mains or adequate sewers. The Village Council may require a petition for the creation of an assessment district to furnish sewer and water or may require the developer to bear the full cost of extensions to the area to be platted. The Village Council may accept petitions for an assessment district in lieu of a certified check or performance bond for installation of improvements, provided that no building permits shall be issued within the subdivision until the assessment district is confirmed and the roll spread. Where extraordinary circumstances exist or there are practical difficulties in complying with a certain provision or requirement of this chapter, the Village Council may, at their discretion, vary or modify any of the provisions or requirements herein contained at a particular instance so that the spirit of the chapter shall be observed and an adequate development encouraged.

(Ord. 60, passed 7-6-62) Penalty, see § 10.99

#### **§ 154.07 COMPLIANCE REQUIRED.**

The provisions herein shall apply to existing plats, not heretofore developed as herein provided, and to the development for sale of any land in the village which is not required by law to be platted. No building permits under any ordinance of the village will be issued by the Village Council, until all the provisions of this chapter are complied with or until the bond for performance of same has been filed as herein provided.

(Ord. 60, passed 7-6-62) Penalty, see § 10.99

#### **§ 154.08 CHANGES AND AMENDMENTS.**

The Village Council shall, from time to time, prepare and make additions to the provisions and regulations herein contained for subdivision control, as the Village Planning Commission may deem necessary or advisable. Such changes or additions shall become effective after their adoption by the Village Council by its passage of an amendment to this chapter.

(Ord. 60, passed 7-6-62) Penalty, see § 10.99

#### **§ 154.09 ENFORCEMENT.**

The Village Council appoints the Superintendent of Streets as the Enforcing Officer of this chapter, and it shall be his duty to enforce the provisions hereof. The Enforcement Officer may call upon any department or official of the village to furnish him with any information and assistance as he may deem necessary for the observance or enforcement of this chapter, and it shall be the duty of the department or officer to furnish the information and assistance whenever necessary.

(Ord. 60, passed 7-6-62)

## CHAPTER 155: ZONING

### Section

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Appendix A: Zoning Map

## ***GENERAL PROVISIONS***

### **§ 155.001 TITLE AND SCOPE.**

(A) *Short title.* This chapter shall be known as the Village of Quincy Zoning Ordinance and will be referred to herein as "this chapter".

(B) *Authority and purpose.* This chapter is enacted under Act 207, Public Acts of 1921, as amended, governing the incorporated portions of the village, to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and for public and semi-public or other specified uses; to regulate and limit the heighten bulk of buildings and other structures; to regulate and to determine the size of yards, courts and open spaces; to regulate and to determine the density of population; and for establishing the boundaries thereof; providing for changes in the regulations and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this chapter.

(C) *Scope.*

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

(2) 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 such easement, covenant or other private agreement, the provision of this chapter shall govern.

(3) Except as may otherwise be provided in this chapter, 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 such use, building or structure is located.

(4) No setback area or lot existing at the time of adoption of this chapter shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established in this chapter.

(5) The regulations established in this chapter shall be the minimum regulations for promoting and protecting the public health, safety and welfare.

(Ord. 185, Article 1, passed 10-18-00)

## § 155.002 DEFINITIONS.

(A) The following rules of construction shall apply to this chapter:

(1) The particular shall control the general.

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

(3) The word **MAY** is permissive, with the decision made by the Zoning and Sidewalk Coordinator, Village Council, or Zoning Board of Appeals, as indicated.

(4) The words **USED** or **OCCUPIED** include the words **INTENDED**, **DESIGNED**, or **ARRANGED TO BE USED OR OCCUPIED**; the word **BUILDING** includes the word **STRUCTURE** and any part thereof; the word **DWELLING** includes the word **RESIDENCE**; the word **LOT** includes the words **PLOT** or **PARCEL**.

(5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction **AND**, **OR**, **EITHER...**, **OR**, the conjunction shall be interpreted as follows:

(a) **AND** indicates that all the connected items, conditions, provisions or events shall apply.

(b) **OR** indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (for example, **OR** also means **AND/OR**).

(c) **EITHER...** **OR** indicates that the connected items conditions, provisions or events shall apply singly but not in combination.

(6) The terms **ABUTTING** or **ADJACENT TO** include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public street right-of-way.

(7) Terms not herein defined shall have the meaning customarily assigned to them.

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

**ACCESSORY BUILDING, STRUCTURE, OR USE.** A building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related, but not for dwelling, lodging or sleeping purposes.

**ADULT CARE FACILITY, STATE LICENSED.** Any structure constructed for residential purposes that is licensed by the state pursuant to Public Act 287 of 1972, Public Act 116 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

(1) **ADULT FOSTER CARE FACILITY.** A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four types of adult foster care homes are provided for by these rules:

(2) **ADULT FOSTER CARE FAMILY HOME.** A residence for six or fewer adults. Licensee must live in the home; and local zoning approval is not required prior to issuance of a license.

(3) **ADULT FOSTER CARE SMALL GROUP HOME.** A residence for 12 or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven or more residents will live in the house.

(4) **ADULT FOSTER CARE LARGE GROUP HOME.** A residence for 13 to 20 adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.

(5) **CONGREGATE FACILITY.** A residence for more than 20 adults.

#### **ADULT REGULATED USES.**

(1) **ADULT PHYSICAL CULTURE ESTABLISHMENT.** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An **ADULT PHYSICAL CULTURAL ESTABLISHMENT** may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

(2) **ADULT BOOK or SUPPLY STORE.** An establishment having 10% or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED**

**ANATOMICAL AREAS** (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

(3) **ADULT MOTION PICTURE THEATER** or **ADULT LIVE STAGE PERFORMING THEATER**. An enclosed building with a capacity of 50 or more persons wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

(4) **ADULT MODEL STUDIO**. Any place where models who display **SPECIFIED ANATOMICAL AREAS** (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

(5) **ADULT POTION PICTURE ARCADE** or **MINI MOTION PICTURE THEATER**. Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** (as defined herein).

(6) **ADULT, NUDE, PARTIALLY NUDE DANCING**. A business with a principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), model(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this chapter, nude or partially nude shall mean having any or all of the **SPECIFIED ANATOMICAL AREAS** exposed (as defined herein).

(7) **ADULT OUTDOOR MOTION PICTURE THEATER**. A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

(8) **GROUP "A" CABARET**. An establishment where material or live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to **SPECIFIED SEXUAL ACTIVITIES** or **SPECIFIED ANATOMICAL AREAS** (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

(9) **SPECIFIED ANATOMICAL AREAS**. Portions of the human body defined as follows:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(10) **SPECIFIED SEXUAL ACTIVITIES.** The explicit display of one or more of the following:

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse, or sodomy;

(c) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

(11) **TATTOO PARLORS.** A business having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any other substance resulting in the coloration of the skin by aid of needles or any other instrument designed to touch or puncture the skin.

**AUTOMOBILE GASOLINE STATION (GAS STATION).** An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An **AUTOMOBILE GASOLINE SERVICE STATION** may also include an area devoted to sales of automotive items and convenience goods (mini-mart) primarily sold to patrons purchasing gasoline. An establishment which provides vehicle maintenance or repair is not included within this definition.

**AUTOMOBILE or VEHICLE DEALERSHIP.** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, and recreational vehicles. Such a dealership may include outdoor display and accessory indoor maintenance and repair.

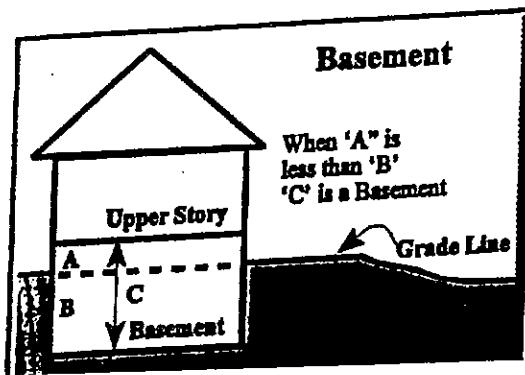
**AUTOMOBILE SERVICE ESTABLISHMENTS (ROUTINE MAINTENANCE AND MINOR REPAIR).** A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile maintenance/service establishment may also sell gasoline, but is distinct from an automobile gasoline station.

**AUTOMOBILE REPAIR ESTABLISHMENT (MAJOR REPAIR).** An establishment which may conduct in addition to activities defined above as "minor repairs" one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles, major

overhauling of engine requiring removal of cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.

**AUTOMOBILE WASH:** Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations.

**BASEMENT or CELLAR.** That portion of a building which is partly below and partly above grade, and having at least one-half its height below grade.



**BED AND BREAKFAST INN.** Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one set of kitchen facilities, employ only those living in the house or up to one additional employee, and have facade style consistent with surrounding homes.

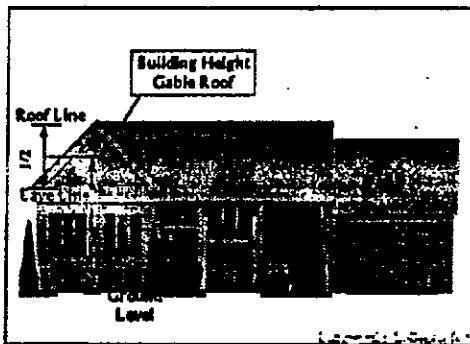
**BERM.** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

**BREWPUB.** A restaurant or drinking establishment which includes the brewing of beer as an accessory use only. Sale of such beer shall be on the premises only.

**BUFFER ZONE.** A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing singularly or in combination to serve as a visual and noise barrier.

**BUILDING.** Any structure, either temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. A building shall include tents, mobile homes, manufactured housing, storage, sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for the purposes of a building and similar structures. A **BUILDING** shall not include such structures as signs, fences, smokestacks, canopies, or overhangs but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

**BUILDING HEIGHT.** The vertical distance measured from the finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average grade.



**BUILDING LINE.** A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

**BUILDING, PRINCIPAL OR MAIN.** A building in which is conducted the main or principal uses of the lot on which such building is located.

**CALIPER.** The diameter of a trunk measured as follows:

- (1) Existing trees are measured at four and one-half feet above the average surrounding grade; and
- (2) Trees which are to be planted shall be measured 12 inches above the average surrounding grade if the tree caliper is more than four inches, or if the tree caliper is less than four inches, it shall be measured at six inches above the average surrounding grade.

**CANOPY TREE.** A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a **CANOPY TREE** are to provide shade to adjacent ground areas and to enhance aesthetics.

**CHILD CARE ORGANIZATION, STATE LICENSED.** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Definitions for various care organizations are listed below:

- (1) **CHILD CARE CENTER** or **DAY CARE CENTER**.
  - (a) A facility other than a private residence, receiving more than six children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately

available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

(b) The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. **CHILD CARE CENTER** or **DAY CARE CENTER** does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

(2) **CHILD CARING INSTITUTION.** A child care facility which is organized for the purpose of receiving children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

(3) **FOSTER FAMILY HOME.** A private home in which at least one but not more than four children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

(4) **FOSTER FAMILY GROUP HOME.** A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

(5) **FAMILY DAY CARE HOME.** A private home in which at least one but less than seven children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(6) **GROUP DAY CARE HOME.** A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

**CLINIC, MEDICAL OR DENTAL.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**CLINIC, VETERINARY or ANIMAL HOSPITAL.** See **VETERINARY CLINIC**.

**COMMERCIAL OUTDOOR DISPLAY, SALES AND STORAGE.** See *OPEN AIR BUSINESS*.

**COMMERCIAL USE.** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee for more than seven days during a calendar year.

**COMMERCIAL VEHICLE.** Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the following categories: truck tractor; semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures; vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented contractors; tow trucks; commercial hauling trucks; vehicle repair service trucks; snow plowing trucks; any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

**CONVALESCENT HOME or NURSING HOME.** A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being M.C.L.A. 36.1 through 36.12, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity. See also **HOUSING FOR THE ELDERLY**.

**DENSITY.** The number of dwelling units situated on or to be developed per net or gross acre of land. For purposes of calculating maximum density, only 25% of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage. All open bodies of water, land within the 100-year floodplain elevation, public rights-of-way and areas within overhead utility line easements are excluded from this calculation. Actual density shall also be determined by compliance with all setbacks, parking, open space and other site design requirements.

**DIAMETER BREAST HEIGHT (DBH).** The diameter of a trees measured at four feet above the natural grade.

**DRIVE-IN.** A business establishment which provides a driveway approach and service windows or facilities, or parking spaces for motor vehicles so that customers may receive services or obtain goods while in a motor vehicle rather than within a building or structure.

**DRIVE-THROUGH.** A business establishment which provides a driveway approach and service windows or facilities for customers in motor vehicles to receive services or goods intended to be used or consumed off-premises.

**DWELLING UNIT.** A building, or enclosed portion thereof, designed for occupancy by one family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

**DWELLING UNIT, ATTACHED.** A dwelling unit attached to one or more dwelling units by common major structural elements.

**DWELLING UNIT, DETACHED.** A dwelling unit which is not attached to any other dwelling unit by any means.

**DWELLING UNIT, EFFICIENCY APARTMENT.** A dwelling unit of not more than one room in addition to a kitchen and a bathroom.

**DWELLING UNIT, MANUFACTURED.** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

**DWELLING UNIT, MULTIPLE-FAMILY.** A building designed exclusively for, and containing three or more dwelling units.

**DWELLING UNIT, SINGLE-FAMILY.** A detached building designed exclusively for, and containing one dwelling unit only.

**DWELLING UNIT, SITE BUILT.** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

**DWELLING UNIT, TWO-FAMILY OR DUPLEX.** A detached building designed exclusively for, and containing two dwelling units only.

**ERECTED.** Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structure. Excavations, fill, drainage and the like, shall be considered as part of an erection when done in conjunction with a structure.

**ESSENTIAL PUBLIC SERVICES.** The installation, erection, construction, alteration or maintenance by the public utilities or governmental agencies of underground, surface or overhead gas, electrical, cable television, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings or storage yards, which are necessary for the furnishing of adequate service by such utilities or governmental agencies for the general health, safety or welfare. Essential services shall not include cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

**ESSENTIAL PUBLIC SERVICE BUILDING.** A building or structure principal to an essential public service, such as a drop-off stations for residential recyclables, vehicle garages, telephone

exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

**ESSENTIAL PUBLIC SERVICE BUILDING STORAGE YARD.** An outdoor storage area principal or accessory to an essential public service.

**FAMILY.** Either of the following:

(1) A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling; or

(2) The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character with a demonstrable and recognizable bond which render the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning and Sidewalk Coordinator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application for a special land use based upon the applicable standards in this chapter.

**FLOOR AREA.** The square feet of floor space within the outside walls exclusive of porches, garage, basement, cellar or attic area.

**GARAGE, PUBLIC.** A building or part thereof, other than private garages, designed or used for equipping, servicing, repairing, hiring, storing or parking of motor vehicles. The term does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

**GRADE, AVERAGE.** The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure.

**GRADE, FINISHED.** The lowest point of elevation between the exterior wall of the structure and a line five feet from the exterior wall of the structure.

**GRADE, NATURAL.** The elevation of the ground surface in its natural state, before construction begins.

**GREENBELT.** A landscaped area along a street between the curb or road shoulder and the front yard building or parking setback line, this area is also referred to as the front yard parking lot setback area. Landscaping requirements for greenbelts are provided in §§ 155.185 through 155.194.

**HOME OCCUPATIONS.** An accessory use of a dwelling unit for business purposes.

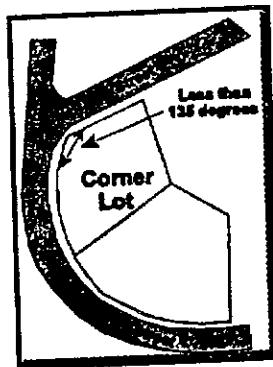
**HOUSING FOR THE ELDERLY.** Housing constructed for the exclusive use of an individual 55 years of age or older, or for a couple where at least one of the individuals is over the age of 55. **HOUSING FOR THE ELDERLY** may include the types of facilities listed below.

(1) **SENIOR APARTMENTS (INDEPENDENT CARE).** Multiple-family dwelling units where occupancy is restricted to persons 55 years of age or older.

(2) **CONGREGATE or INTERIM CARE HOUSING.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

(3) **DEPENDENT HOUSING FACILITIES.** Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

**JUNK YARD.** Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard or salvage yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "junk yards or salvage yard" does not include drop-off stations for residential recyclables.



**KENNEL, COMMERCIAL.** Any lot or premises on which three or more pets (but not including wild, vicious or exotic animals), six months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, protection, hobby, pets or transfer.

**LOT.** The parcel of land occupied by or to be occupied by a building and its accessory buildings or structures, together with such open spaces, minimum area and width required by this chapter for the district wherein located, and having its frontage on a public street. For purposes of meeting the dimensional standards of this chapter, a **LOT** does not include public rights-of-way or private road easements, but does include access easements for a service drive.

**LOT AREA.** The total area within the described lot lines of a parcel of land, excluding road right-of-way.

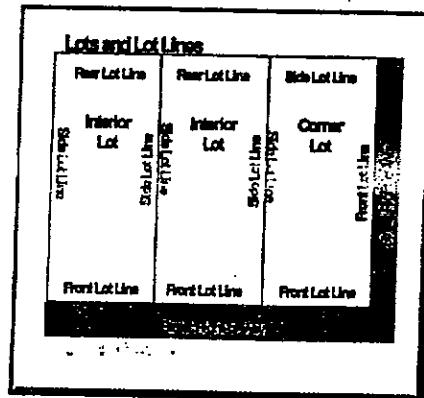
**LOT, CORNER.** A parcel of land abutting upon two or more streets at their intersection, or upon parts of the same street forming an interior angle of less than 135 degrees.

**LOT, COVERAGE.** The part or percent of a lot occupied by buildings and accessory buildings.

**LOT DEPTH.** The distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE.** The boundaries of a lot which divide one lot from another lot or from a public or existing private road or any other publicly-owned parcel of land.



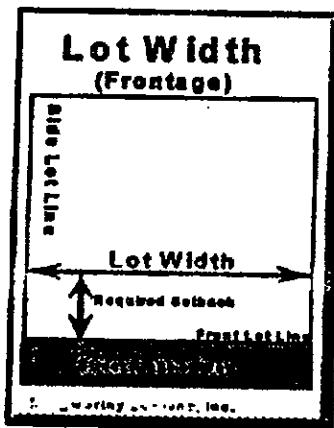
**LOT LINE, FRONT.** A lot line of a length equal to or greater than the minimum lot width as required in this chapter which is also the road right-of-way line on interior lots which front a public or private road and one of the right-of-way lines on corner lots and is the lot line most parallel to the closest public or private road on all other lots.

**LOT LINE, REAR.** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 20 feet entirely within the lot parallel to and at a maximum distance from the front lot line.

**LOT LINE, SIDE.** Any lot line other than a front or rear lot line.

**LOT OF RECORD.** A lot which is part of a subdivision, the map of which has been recorded in the office of the County Register of Deeds, or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Register of Deeds.

**LOT WIDTH.** The horizontal distance between the side lot lines, as measured at the front yard setback line.



**MICROBREWERY** or **MICROBREWER**. A brewery that produces beer and ale for on-site consumption and retail and wholesale distribution. A **MICROBREWERY** may be permitted as an accessory use to a restaurant or a bar, tavern or lounge.

**MINI- OR SELF-STORAGE WAREHOUSE OR FACILITY.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

**MOBILE HOME/STRUCTURE.** A manufactured residential or commercial unit which is transported to a site as one or more modules with a steel undercarriage, any of which is so constructed as to permit permanent occupancy as a home, residence, sleeping place, or place of business by one or more persons.

**NONCONFORMING BUILDING** or **STRUCTURE**. A building or portion thereof, existing at the effective date of this chapter, as amended, and that does not conform to the provisions of this chapter in the district in which it is located.

**NONCONFORMING LOT.** A lot lawfully existing at the effective date of this chapter, or amendments thereto, that does not conform to the dimensional standards for the district in which it is located.

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

**OPEN AIR BUSINESS.** A business and commercial use operated solely outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); outdoor display, sale, and storage of

building and lumber supplies; automobiles, recreational vehicles, boats, mobile homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; contractor yards; and permanent flea markets farmer's markets, roadside stands and auctions.

**OPEN FRONT STORE or RESTAURANT WINDOW.** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure, such as ice cream and yogurt restaurants serving to patrons through a walk-up window.

**OPEN SPACE.** An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. **OPEN SPACE** may include lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and watercourses. **OPEN SPACE** shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

**PARKING LOT, OFF-STREET.** A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of more than three vehicles.

**PARKING SPACE.** An area of definite length and width, the area shall be exclusive of drives, aisles or entrances giving access thereto, and which is accessible for the parking of permitted vehicles.

**PLANNED UNIT DEVELOPMENT.** A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and nonresidential uses.

**PRINCIPAL BUILDING OR STRUCTURE.** A building or structure in which is conducted the principal use of the lot upon which it is situated.

**PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

**RECREATIONAL FACILITY.** A public or private, indoor or outdoor facility for athletic activities including: amusement parks, archery and gun ranges, baseball fields, batting cages, bowling alleys, community recreation centers, indoor golf facilities, miniature golf courses, pool and billiard halls, skating rinks, soccer fields, swimming pools, tennis courts, and similar facilities.

**RECREATIONAL VEHICLE.** A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable

travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

**RECYCLING CENTER.** A building in which used material is separated and processed prior to shipment to for use in the manufacturing of new products. A **RECYCLING CENTER** is distinct from a junkyard or a salvage yard.

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

(1) **RESTAURANT, CARRY-OUT.** A business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

(2) **DELICATESSEN.** A restaurant typically offering both carry-out and seating of sandwiches and other foods and beverages. A delicatessen also typically offers meats, cheese and prepared foods on a retail basis.

(3) **RESTAURANT, DRIVE-IN.** A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.

(4) **RESTAURANT, DRIVE-THROUGH.** A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

(5) **RESTAURANT, FAST-FOOD.** A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

(6) **RESTAURANT, OPEN FRONT WINDOW.** See **OPEN FRONT STORE** or **RESTAURANT**.

(7) **RESTAURANT, STANDARD.** A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

(8) **BAR/LOUNGE/TAVERN.** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated. The hours of operation may extend beyond 11:00 p.m.; thereby differentiating

it from a standard restaurant. A brewpub or microbrewery that operates beyond 11:00 p.m. is considered a bar, tavern or lounge.

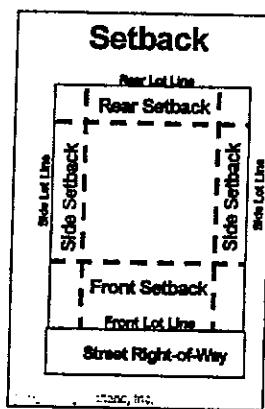
**RIGHT-OF-WAY.** A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.

**SETBACK.** The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the setback on a lot or parcel required by this chapter for the district in which it is located.

(1) **SETBACK, FRONT.** The minimum required horizontal distance measured from the front lot line which describes an area termed the front setback on a lot or parcel required by this chapter for the district in which it is located.

(2) **SETBACK, REAR.** The minimum required horizontal distance measured from the rear lot line which describes an area termed the rear setback on a lot or parcel required by this chapter for the district in which it is located.

(3) **SETBACK, SIDE.** The minimum required horizontal distance measured from the side lot lines which describes an area termed the side setback on a lot or parcel required by this chapter for the district in which it is located.



**SITE PLAN.** A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

**SPECIAL LAND USES.** Those uses of land which are not essentially incompatible with the permitted uses in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services, facilities, and adjacent uses of land.

**STATE LICENSED RESIDENTIAL CARE FACILITY.** See **ADULT CARE FACILITY, STATE LICENSED** or **CARE ORGANIZATION, STATE LICENSED**.

**STREET, PRIVATE.** A privately owned and maintained thoroughfare including any rights-of-way and travelled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare. A private street shall include any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two or more existing parcels and/or main buildings.

**STREET, PUBLIC.** A public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

**STRUCTURES.** Any construction, assembly or erection, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

**SUBDIVISION.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Act 288 of 1967 of the Public Acts of Michigan, as amended. **SUBDIVISION** does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of the Village Land Division Ordinance.

**SUBDIVISION PLAT.** A map or chart depicting the subdivision of land as regulated by the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967, as amended.

#### **SUBSTANTIAL IMPROVEMENT.**

(1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (a) Before the improvement or repair is started, or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

(2) For the purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

**SWIMMING POOL.** Any artificially constructed portable or non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than 24

inches, with a surface area of 250 square feet or greater and intended for swimming, bathing or relaxation. **SWIMMING POOL** includes spa, hot tubs and similar devices.

**TEMPORARY BUILDING, STRUCTURE, OR USE FOR CONSTRUCTION.** A building, structure or use permitted to exist for a specified period during periods of construction or renovations on the principal building, structure or use.

**TEMPORARY SIGN.** Any sign designed or constructed to be easily moved from one location to another, and which are only planned to be in use for time periods of limited duration. Under this chapter, real estate signs, political signs, construction signs and garage sale signs shall be considered temporary signs.

**TEMPORARY USES and SEASONAL EVENTS.** Seasonal outdoor events intended for a limited duration within any zoning district. Such a temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events.

**TOWER, COMMUNICATION.** Towers erected for the purpose of providing commercial wireless telecommunication services or other radio wave communications.

**TOWNHOUSE.** A residential structure, or group of structures, each of which contains four or more attached single-family dwelling units with individual rear yards and or front yards designed as an integral part of each single-family dwelling unit.

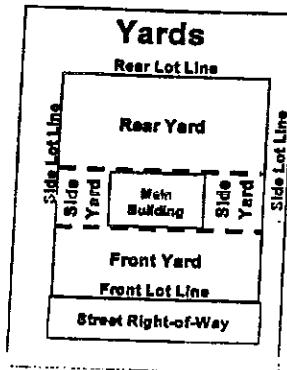
**USE.** The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

**VARIANCE.** Permission given by the Board of Zoning Appeals to a property owner to depart from the literal requirements of this chapter which may occur when compliance with this chapter would create a practical difficulty or unnecessary hardship on the property owner.

**VETERINARY CLINIC, OFFICE or HOSPITAL.** A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock provided that all activities are conducted within a completely enclosed building.

**WASTE RECEPTACLE or DUMPSTER.** Any accessory exterior container used for the temporary storage of rubbish, pending collection, have capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

**YARD.** An open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.



(1) **FRONT YARD.** An open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.

(2) **REAR YARD.** An open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.

(3) **SIDE YARD.** An open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the **SIDE YARD** shall be measured horizontally from and at right angles to the nearest point of the side lot line.

**ZONING.** The dividing of the city into districts of a number and shape considered best suited to carry out the purposes of the Zoning Act and the creation of uniform regulations throughout each individual district. Such districts are referred to as Zoning Districts in this chapter.

**ZONING ACT.** The city and village Zoning Act, Public Act 207 of 1921, as amended.  
(Ord. 185, Article 19, passed 10-18-00)

### **§ 155.003 ESSENTIAL PUBLIC SERVICES.**

The erection, construction, alteration or maintenance of essential public services authorized under any franchise in effect within the village shall be permitted subject to regulation as provided in any law in the state or in any village ordinance. It is the intention of this Zoning Code to ensure conformity of all structures and uses to the requirements of this chapter wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or village ordinance. In absence of such conflict, the standards of the Zoning Code shall prevail.

(Ord. 185, § 2.01, passed 10-18-00)

### **§ 155.004 LOTS OF RECORD.**

(A) Every building hereafter erected or altered shall be located on a lot, the description of the boundaries of which are on public record; or in the case of a land contract, on file with the County

Register of Deeds. The burden of proof of the exact location of any lot line in question shall rest with the lot owner.

(B) Two or more parcels, lots of record or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purposes of this chapter, provided such lots are located in the same district.

(Ord. 185, § 2.02, passed 10-18-00)

#### **§ 155.005 LOT FRONTAGE.**

Every lot upon which a dwelling is hereafter erected shall have frontage on a public street or private road.

(Ord. 185, § 2.03, passed 10-18-00)

#### **§ 155.006 PRINCIPAL BUILDINGS, STRUCTURES OR USES.**

No lot may contain more than one principal building, structure or use, except for groups of multiple-family dwellings or related commercial buildings contained within a single, integrated complex, sharing parking, access, signs and other similar features.

(Ord. 185, § 2.04, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.007 TEMPORARY BUILDINGS, STRUCTURES, AND USES.**

(A) Temporary buildings and structures, including trailers incidental to construction work, may be placed on a lot after approval from the Zoning and Sidewalk Coordinator. Such structures must be removed from the site within 15 days after the completion of construction.

(B) No temporary building or structure shall be used as a dwelling unit.

(C) Garage sales, moving sales, estate sales, and auctions shall be permitted for up to five consecutive days, not to exceed two times in a 12-month period, on a given lot. Such lot shall contain a principal building and sales activities shall not be permitted to extend into public or private road rights-of-way or abutting property. Signs associated with such activity shall be in accordance with §§ 155.200 through 155.207.

(Ord. 185, § 2.05, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.008 DETERMINATION OF SIMILAR USE.**

(A) This chapter acknowledges that all potential uses of land cannot be specifically identified in the zoning districts. All applications for a use not specifically addressed in any zoning district shall be submitted to the Village Council for review and decision, based on the following standards.

(1) A finding the proposed use is not listed as a permitted or special land use in any zoning district.

(2) If the use is not addressed in the Zoning Code, the Village Council shall select the use listed in the Zoning Code which most closely resembles the proposed use using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the village.

(3) Once a similar use is determined, the proposed use shall comply with any special land use standards that apply to the similar use.

(4) Where the Village Council determines a proposed use is not similar to a use addressed in the Zoning Code, the applicant may petition for an amendment to the Zoning Code.

(B) The determination as to whether a proposed use is similar in nature and class to another permitted or special land use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Village Council to be similar shall thereafter be included in the enumeration of the uses.

(Ord. 185, § 2.06, passed 10-18-00)

#### **§ 155.009 REQUIRED AREA OR SPACE.**

No lot, lots in common ownership, yard, parking area, open space or other space shall be so divided, altered, or reduced in area or dimension as to make the area or dimension less than the minimum required under this chapter. If already less than the minimum required under this chapter, the area or dimension shall not be further divided or reduced.

(Ord. 185, § 2.07, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.010 PROJECTIONS INTO YARDS.**

(A) Architectural elements attached to and necessary to the integrity of the building, or the health or safety of the occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be permitted to encroach upon the minimum setback requirements of this chapter, provided such projection into a required front or rear yard area is no closer than ten feet from a street right-of-way line or rear lot line. No encroachment shall be permitted into the side setback of the lot.

(B) Terraces, patios, porches, and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this chapter provided they are:

- (1) Attached to the main building.
- (2) Not covered with a roof.

- (3) Elevated no more than 30 inches above the average surrounding final grade.
- (4) Not fully enclosed by a wall or fence over five and one-half feet in height.
- (5) Located no closer than ten feet from a street right-of-way line or rear lot line.
- (6) Do not encroach into the required side setback of the lot.

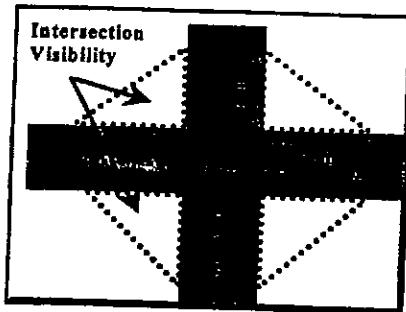
(C) Terraces, patios, porches, and decks that are enclosed (covered with a roof), not including steps leading to such structures, shall be attached to and considered part of the main building and shall comply with all regulations applicable to such main buildings.

(Ord. 185, § 2.08, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.011 INTERSECTION VISIBILITY.**

(A) No fence, wall, sign, hedge, screen or any planting shall be erected or maintained to obstruct vision between a height of three feet and eight feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 20 feet from the point of intersection of the right-of-way lines.

(B) The three-foot and eight-foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lays between the point of the intersection of the other centerline and the extension of the line drawn through the points 20 feet from the intersection of the right-of-way lines.



(Ord. 185, § 2.09, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.012 LOT WIDTH/DEPTH RATIO.**

Lots created after the effective date of this chapter having a lot area of less than ten acres shall have a lot width which is equal to, or greater than, one-third the depth of the lot.

(Ord. 185, § 2.10, passed 10-18-00)

**§ 155.013 ILLEGAL DWELLINGS.**

For the express purpose of protecting the health, safety, and general welfare of the inhabitants of the village and of reducing hazards to life of property, no basement dwelling, cellar-dwelling, garage-house, or other substandard structure shall hereafter be occupied, erected or moved upon any premises and occupied or used for dwelling purposes, except upon being given special permission at a hearing of the Village Council.

(Ord. 185, § 2.11, passed 10-18-00) Penalty, see § 155.999

**§ 155.014 RESIDENTIAL DEVELOPMENT REGULATIONS.**

(A) *Intent.* The development standards contained herein are intended to regulate the character of new infill housing development in certain areas of the village which contain traditional and historic exterior design elements. The purpose of these regulations is to promote harmony in neighborhoods between new housing units and the existing buildings by assuring that new construction is of suitable character in terms of site layout, building dimensions, architectural design and building materials.

(B) *Procedure.*

(1) All building permit applications for new single-family and two-family housing development must be submitted to the Zoning and Sidewalk Coordinator.

(2) The Zoning and Sidewalk Coordinator shall have final approval on any applicable infill housing development. The Zoning and Sidewalk Coordinator may seek input from the Village Council if deemed necessary.

(C) *Site design and architectural standards.*

(1) *Floor area.* The floor area of any proposed dwelling unit shall be no less than 90% and no more than 135% of the average floor area of other single-family or two-family dwelling units within 300 feet of the subject lot, including dwelling units on both sides of the street of the same block.

(2) *Front yard setbacks.* The front yard setback of any proposed single-family or two-family dwelling unit shall be no less than 90% and no more than 135% of the average established front setback of other single-family or two-family dwelling units within 300 feet, on the same side of the street, of the subject lot.

(3) *Building appearance.* Building appearance for new single-family and two-family dwelling units shall reflect a continuity of design with surrounding buildings by maintaining the architectural styles, details, building materials and design themes of dwelling units within 300 feet of the subject lot. Similarity and compatibility with surrounding dwelling units in terms of the following features must be provided in order to meet this requirement:

(a) Roof and overhang style (such as, gable, mansard, hip, A-frame, flat);

- (b) Facade appearance (door and window openings);
- (c) Building massing and height;
- (d) Exterior building materials;
- (e) Porches; and
- (f) Garage style and design.

(Ord. 185, § 2.12, passed 10-18-00)

**§ 155.015 REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOUSING COMMUNITIES.**

Any single-family dwelling on a lot, whether constructed and erected on-site, or a manufactured home, shall be permitted only if it complies with the following requirements:

(A) If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced above, and found, upon inspection by the Zoning and Sidewalk Coordinator or his designee, to be in excellent condition and safe and fit for residential occupancy.

(B) The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are, or may be adopted by the village. However, where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by village codes, then such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Zoning and Sidewalk Coordinator.

(C) The dwelling unit shall comply with all restrictions and requirements of this chapter, including, without limitation, the minimum lot area, minimum lot width, minimum floor area living space, required yard and maximum building height requirements of the zoning district in which it is located.

(D) The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.

(E) If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.

(F) The dwelling unit shall have a horizontal dimension across the side, and rear elevation of at least 22 feet and 30 feet across any front elevation on any road right-of-way.

(G) Storage area shall be provided within the dwelling unit of no less than 120 square feet. This storage area may consist of a basement, closet area, attic, or attached garage.

(H) Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight inches between the first floor entry of the dwelling unit and the adjacent grade.

(I) The pitch of the main roof of the dwelling unit shall not be less than four feet of rise for each 12 feet of horizontal run, and shall have not less than a six-inch overhang.

(J) The dwelling unit shall have no less than two exterior doors, with one being in either the rear or the side of the dwelling unit.

(K) The dwelling shall not contain any additions of rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

(L) The exterior finish of the dwelling unit shall not cause glare or reflection.

(M) No building which has been wholly or partially erected or assembled on any premises located within or outside the village, shall be moved to or placed upon any other premises in the village without full compliance with the provisions of this chapter in the same manner as a new building.

(Ord. 185, § 2.13, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.016 HOME OCCUPATIONS.**

(A) No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.

(B) The use of the dwelling for the home occupation shall be clearly accessory, incidental and subordinate to its use for residential purposes, and not more than 25% of the floor area of the dwelling shall be used for the conduct of the home occupation.

(C) There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation provided, however, that there may be one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the dwelling identifying the name of the resident and occupation. There shall be no other signs either on the building or in the windows of the dwelling.

(D) Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or in any case no more than ten vehicular trips per day.

(E) The home occupation shall be conducted entirely within the confines of the dwelling and shall not take place in a garage or accessory structure.

(F) There shall be no sale of products or service on the premises where the home occupation is located except those that are produced or used in the normal conduct of the home occupation.

(G) Any parking for vehicles associated with the home occupation shall be provided off the street.

(H) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses or the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

(Ord. 185, § 2.14, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.017 STATE LICENSED ADULT AND CHILD RESIDENTIAL CARE FACILITIES.**

(A) State licensed adult and child care facilities, as defined in § 155.003, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

<i>Type of Facility (Standards Applicable to the Use)</i>	<i>Zoning District</i>			
	<i>R-1</i>	<i>R-2, R-3</i>	<i>C, CBD</i>	<i>I</i>
Adult foster care family home (6 or fewer adults) (a,b,c,d,e)	P	P	NA	NA
Adult foster care small group home (12 or fewer adults) (a,b,c,d,e,i)	SLU	SLU	NA	NA
Adult foster care large group home (13 to 20 adults) (a,b,c,d,e,i)	NA	SLU	NA	NA
Congregate facility (more than 20 adults) (a,b,c,d,e,i)	NA	SLU	NA	NA
Foster family home (4 or fewer children 24 hours per day)	P	P	NA	NA
Foster family group home (5 to 6 children less than 24 hours per day) (a,b,c,d,e)	SLU	P	NA	NA
Family day care home (6 or fewer children less than 24 hours per day) (a,b,c,d,e,f,g,h,j)	P	P	NA	NA

<i>Type of Facility (Standards Applicable to the Use)</i>	<i>Zoning District</i>			
	<i>R-1</i>	<i>R-2, R-3</i>	<i>C, CBD</i>	<i>I</i>
Group day care home (7 to 12 children less than 24 hours per day) (a,b,c,d,e,f,g,h,i,j)	SLU	SLU	NA	NA
Child care center or day care center (more than 6 children less than 24 hours per day) (a,b,c,d,e,f,g,h,)	SLU as accessory	SLU	SLU	SLU
Child caring institution (a,b,c,d,f,g,h)	NA	SLU	SLU	SLU
<b>P</b> Permitted use				
<b>SLU</b> May be allowed upon review and approval of a special land use, in accordance with the general and specific standards for special land uses				
<b>SLU as accessory</b> May be allowed as an accessory to an approved use, such as a church, school, office or other place of employment, upon review and approval of a special land use				
<b>NA</b> Not allowed in zoning district				

Footnotes:

- a. The use shall be registered with the Village Clerk's office and shall continually have on file with the village documentation of a valid license as required by the state.
- b. Since the state law preempts in this area, the facility shall be brought into compliance with all state building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with state requirements shall be provided.
- c. The site shall comply with the sign provisions of §§ 155.200 through 155.207.
- d. Off-street parking shall be provided for the number of employees on site at any one time.
- e. The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Village Council.
- f. Documentation of sufficient indoor classroom, crib or play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.
- g. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four-foot tall fence, provided that no fence shall be located in a front yard.
- h. An on-site drive shall be provided for drop-offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
- i. The lot shall be at least 1,500 feet from another group day care home or similar facility. This may be reduced by the Village Council upon a finding by the Village Council that the proposed facility will not contribute to an excessive concentration of state licensed residential facilities.
- j. The facility shall operate a maximum of 16 hours per day.

(B) A state-licensed residential adult or child care facility existing prior to the effective date of this chapter, that has been operating under a valid state license and is registered with the village no later than 60 days following the effective date of this chapter, shall be considered an approved special land use, provided such use conforms with the conditions of this section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this chapter. Any modification to the use shall require approval following the standards of §§ 155.140 through 155.145 as applicable. (Ord. 185, § 2.15, passed 10-18-00)

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

### **(A) *General requirements.***

(1) Accessory buildings and structures are permitted only in conjunction with, incidental to, and on the same lot with an existing principal building, structure or use permitted by right within the applicable district.

(2) Attached accessory buildings and structures shall be made structurally a part of the principal building and shall conform to the site development standards of the district in which the building or structure is located.

(3) Detached accessory buildings and structures shall be no closer than ten feet from the principal building or structure.

### **(B) *Detached accessory buildings and structures - residential districts or uses.***

(1) Detached accessory buildings and structures shall be located only in the rear yard and at the setbacks required for main buildings for the district in which it is located, except that in no case shall a detached accessory building be closer than six feet from any lot line, as measured from the closest point of the building.

→ (2) Two detached accessory buildings shall be permitted for a residential district or use not exceeding the following area and height:

(a) For lots of 10,000 square feet in area or less: 720 square feet and not exceeding 16 feet in height to its highest point.

(b) For lots greater than 10,000 square feet in area, up to one acre: 960 square feet and not exceeding 18 feet in height to its highest point.

(c) For lots greater than one acre: 1,500 square feet and not exceeding 20 feet in height to its highest point.

(3) One additional detached storage shed shall be permitted for a residential district or use not to exceed 120 square feet in area. A swimming pool and cover structure shall also be permitted on a lot, subject to the requirements of § 155.020 and any other applicable ordinance.

*(C) Detached accessory buildings - nonresidential districts or uses.*

- (1) No more than two detached accessory buildings shall be permitted on any lot.
- (2) The total area of all accessory buildings shall not exceed 25% of the floor area of the main building(s).
- (3) Total lot coverage of all principal and accessory buildings shall meet the requirements of the district in which it is located.
- (4) Detached accessory buildings shall meet all setback requirements for main buildings for the district in which it is located, as measured from the closest point of the building, except that in no case shall be closer than ten feet from any lot line.
- (5) No detached accessory building shall be located nearer than ten feet to any main building.
- (6) No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.

(Ord. 185, § 2.16, passed 10-18-00) Penalty, see § 155.999

**§ 155.019 FENCES, WALLS AND SCREENS.**

- (A) No fence, wall or screen located within the required front yard in any residential zoning district shall exceed three feet in height, or be in excess of 49% solid or impervious.
- (B) No chain link fence shall be erected in any front yard within a residential zoning district.
- (C) No fence, wall or screen located within the side yard or rear yard in any zoning district shall exceed a height of six feet.
- (D) No fence, wall or screen shall be erected within any public right-of-way.

(Ord. 185, § 2.17, passed 10-18-00) Penalty, see § 155.999

**§ 155.020 SWIMMING POOLS.**

- (A) Swimming pools, spas, hot tubs and similar devices shall be setback at least ten feet from the side yard or rear yard and 15 feet from any road right-of-way line.
- (B) Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.

(C) All swimming pools, spas, hot tubs and similar devices shall be enclosed with a fence or enclosure approved by the Zoning and Sidewalk Coordinator. Such fence or enclosure, including gates, shall not be less than four feet or greater than six feet above grade or otherwise made inaccessible to small children.

(Ord. 185, § 2.18, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.021 WASTE RECEPTACLES AND ENCLOSURES.**

(A) Waste receptacles including dumpsters or compactors shall be required for all nonresidential uses and shall be enclosed and screened on three sides with a gate on the fourth side if the enclosure is visible from the public street or a residential district.

(B) The enclosure shall be constructed of brick or decorative concrete material, with a minimum height of six feet or one foot above the height of the waste receptacle, whichever is greater. Suitable and durable materials shall be approved by the Zoning and Sidewalk Coordinator. Landscaping surrounding the waste receptacle may be required.

(C) Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Village Council.

(D) Waste receptacles shall be set back from property lines a minimum of three feet and in no case be less than 20 feet from any residential district.

(E) The base of the waste receptacle shall be at least nine feet by six feet, constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

(Ord. 185, § 2.19, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.022 MECHANICAL EQUIPMENT AND UTILITIES.**

(A) All ground mounted mechanical equipment, such as blowers, ventilating fans and air conditioning units, and utilities shall be placed not closer than three feet to any lot line in the CBD Central Business District and not closer than ten feet to any lot line in all other districts.

(B) Any mechanical equipment or utilities, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, located on the roof of any building shall comply with the following standards:

(1) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.

(2) Roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface, and shall occupy no more than 15% of the total roof area. All roof-mounted mechanical units must be screened so they are not visible from ground level.

(C) All building mounted mechanical equipment or utilities on any building except a single-family dwelling unit, shall be screened by a wall, fence, landscaping and/or other architectural feature that is compatible in appearance with the principal buildings.

(Ord. 185, § 2.20, passed 10-18-00)

### **§ 155.023 ANTENNAS, TOWERS AND SATELLITE DISH ANTENNAS.**

Reception antennas, including satellite dish antennas and transmission or reception antennas below 300 watts of output, erected or installed in any zoning district shall comply with the following requirements:

(A) An antenna, tower or satellite dish antenna with a diameter of one meter or less shall be located only in a side or rear yard, unless the applicant or their antennae installer demonstrates a location within the front yard is required to allow reception of reasonable quality. In such case, the antenna shall be located as far from the property lines as practical and screened with shrubs to minimize negative visual impacts.

(B) An antenna, tower or satellite dish antenna with a diameter over one meter shall be located only in a side or rear yard.

(C) No portion of an antenna, including a satellite dish antenna, shall be located closer than six feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.

(D) Ground-mounted satellite dish antennas with a diameter over one meter in a yard fronting on a public street shall be screened from view from such street by landscaping or a wall.

(E) The height of an antenna shall not exceed 50 feet above mean grade or 25 feet above the peak of the roofline in any residential zoning district, or 60 feet above the mean grade if the setback at least half the height of the antennae from all property lines. In other zoning districts, the maximum height shall not exceed 100 feet above mean grade.

(F) The diameter of antennas and satellite dishes shall not exceed 12 feet.

(G) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna.

(Ord. 185, § 2.21, passed 10-18-00) Penalty, see § 155.999

**§ 155.024 EXTERIOR LIGHTING.****(A) *Freestanding pole lighting.***

(1) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light within a site shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a residentially used or zoned site whereby a maximum of 0.5 footcandles is permitted. The only exception is with gas station canopy and automobile dealership lighting, where a maximum of 20 footcandles is permitted within the site but the above standards shall apply to intensity at the property line. The canopy lighting must be recessed.

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

(3) The Village Council 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.

(4) The maximum height of parking lot light fixtures shall be 20 feet, except that the Village Council may permit a maximum height of 30 feet in a C Commercial or I Industrial District when the poles are no closer than 150 feet to a residential district.

(5) Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property 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 such use continues.

**(B) *Building-mounted lighting.***

(1) Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed ten footcandles within any site or one footcandle at any property line, except where it abuts a residentially used or zoned site whereby a maximum of 0.5 footcandles is permitted at the property line.

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

(3) The Village Council 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.

(4) Luminous tube and exposed bulb florescent lighting is prohibited as an architectural detail on all buildings, such as, along the roof line and eaves, around windows, and the like. The Village

Council may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building.

(C) *Window lighting.*

- (1) Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- (2) Luminous tube and exposed bulb florescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of §§ 155.200 through 155.207.

(D) *Other lighting.*

- (1) The internal illumination of building-mounted canopies is prohibited.
- (2) Indirect illumination of signs, canopies and buildings is permitted provided a maximum 125-watt bulb is utilized and there is no glare.
- (3) The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
- (4) Lighting shall not be of a flashing, moving or intermittent type.
- (5) Luminous tube and exposed bulb florescent lighting is permitted as part of a sign meeting the requirements of §§ 155.200 through 155.207.

(Ord. 185, § 2.22, passed 10-18-00) Penalty, see § 155.999

### **§ 155.025 STORAGE AND REPAIR OF VEHICLES AND OTHER ITEMS.**

No yard or open space shall hereafter be used for the open-air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporarily or otherwise, of discarded, worn-out, wrecked or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk or other personal property unless otherwise permitted in this chapter. Without limiting the meaning of junk, the term shall include used for salvaged metals and their combination, or used or salvaged lumber, ropes, bags, paper, rags, glass, rubber and similar articles and materials.

(Ord. 185, § 2.23, passed 10-18-00) Penalty, see § 155.999

### **§ 155.026 KEEPING OF ANIMALS.**

The keeping, housing, raising, use or care of animals is permitted subject to the following limitations and conditions:

(A) Customary household pets may be kept on a non-commercial basis provided that the number of such animals does not exceed six. Customary household pets include such animals as dogs, cats, rabbits, birds, and similar animals; but do not include pigeons, chickens, ducks, geese, goats, sheep, pigs, and other farm livestock.

(B) Animals other than household pets, except those on farms protected by the Michigan Right to Farm Act, may be kept subject to the following requirements:

(1) Minimum lot size of three acres for the first two animals.

(2) An additional one-half acre for each additional animal provided that no more than a total of 20 acres shall be allowed to accommodate animals under this limitation.

(3) When animals are kept or permitted to roam outdoors, an adequate fence shall be provided and maintained to confine the animals from adjoining property and roads.

(Ord. 185, § 2.24, passed 10-18-00)

#### **§ 155.027 GRADING AND DRAINAGE.**

No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such manner as to cause ponding or surface accumulation of such runoff thereon.

(Ord. 185, § 2.25, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.028 USE OF YARDS AND OPEN SPACE.**

The erection of cabins for rent or tents (except childrens' play tents) shall not be permitted or considered a legal accessory on a dwelling lot.

(Ord. 185, § 2.26, passed 10-18-00)

#### **§ 155.029 HEIGHT EXCEPTIONS.**

(A) The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet wall not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances.

(B) Schools, churches and other similar institutional buildings may be erected to a height not exceeding 48 feet provided the front, side and rear yards shall equal the height of such wall abutting such yard.

(Ord. 185, § 2.27, passed 10-18-00)

**§ 155.030 NONCONFORMING USES, STRUCTURES AND LOTS.****(A) Intent.**

(1) It is recognized that there exist uses of land, structures, buildings and lots which were lawful before this chapter was enacted or amended, which would be prohibited, regulated, restricted or otherwise unlawful under the provisions of this chapter or future amendments. It is the intent of this section to permit legal nonconforming uses of land, structures, buildings and lots to continue until they are removed, but not to encourage their survival.

(2) Such nonconforming uses, structures and lots are declared by this subchapter to be incompatible with permitted uses in the districts involved. It is further the intent of this subchapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(3) Nonconforming uses are considered to present a greater public burden than nonconforming lots and structures, therefore the intent of this chapter is to gradually eliminate nonconforming uses or decrease their nonconforming status, but to permit certain nonconforming uses to continue under certain conditions.

(4) To avoid undue hardship, nothing in this chapter shall be construed to require a change in the plan, construction or designated use of any building or structure on which actual construction has been lawfully begun, prior to the effective date of this chapter or any amendment thereto, and is completed within one year of the date. Actual construction shall be construed as permanent fixation of construction material in place.

(B) *Nonconforming uses.* Where a lawful use of land exists at the effective date of this subchapter or amendment thereto, that is made no longer permissible under the provisions of this subchapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following limitations:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this subchapter.

(2) No part of any nonconforming use shall be moved unless such movement eliminates the nonconformity.

(3) Any nonconforming use of any building or structure which is discontinued through vacancy, lack of operation or otherwise for a period of one year, shall be construed as abandonment of use, and any future use thereof shall conform with the provisions of this chapter. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

(a) Utilities, such as water, gas and electricity to the property have been disconnected.

- (b) The property, buildings, and grounds have fallen into disrepair.
- (c) Signs or other indications of the existence of the nonconforming use have been removed.
- (d) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
- (e) Other actions, which in the opinion of the Zoning and Sidewalk Coordinator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

(4) No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming after use had changed to a conforming use.

(C) *Nonconforming structures and buildings.* Where a lawful structure or buildings exists at the effective date of this subchapter or amendment thereto, that could not be built under the provisions of this subchapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following limitations:

- (1) Nothing in this chapter shall prohibit the repair, improvement or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation and wear. Provided, that such repair does not exceed an aggregate cost of 50% of the assessed valuation of the building by the assessing officer, unless the subject building is changed by such repair to conforming standards.
- (2) Any lawful nonconforming building damaged by fire, explosion, an act of God, or any other causes may be restored, rebuilt, or repaired, provided that such restoration does not exceed 50% of its assessed value as determined by the assessing officer, exclusive of foundations; provided further, that the use be the same (or more nearly conforming with) the provisions of the district in which it is located.
- (3) In the event the damage referred to above shall exceed 50% of its assessed value, then such lawful nonconforming building may be restored, rebuilt or repaired only if it shall be erected no closer to the street than 40% or more of the buildings fronting the same side of a street, between two intersection streets, developed with buildings that have a front yard greater or less in depth than otherwise required by this chapter; provided further, that the use be the same (or more nearly conforming with) the provisions of the district in which located.
- (4) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- (5) Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.

(D) *Nonconforming lots of record.*

(1) When a lot of record is nonconforming with less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, the lot may nonetheless be used for a dwelling or for any non-dwelling use permitted in the district in which it is located, and a land use permit may be issued therefore by the Zoning and Sidewalk Coordinator, provided it conforms as nearly as practical with this chapter.

(2) If two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this chapter, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area; the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this chapter.

(E) *Change in tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures, buildings or premises, provided there is no change in the nature or character of such nonconforming uses.

(F) The village may acquire, through purchase or condemnation, private nonconforming buildings, structures, or land. The Village Council may make this purchase of private property in the manner provided for by law.

(Ord. 185, § 2.28, passed 10-18-00) Penalty, see § 155.999

### ***ZONING DISTRICTS AND MAP***

#### **§ 155.040 DISTRICTS ESTABLISHED.**

For the purpose of this chapter, all of the area within the village is hereby divided into the following zoning districts:

R-1	Single-Family Residential District
R-2	Multiple-Family Residential District
R-3	Manufactured Housing Community District
C	Commercial District
CBD	Central Business District
I	Industrial District
PUD	Planned Unit Development District

(Ord. 185, § 3.01, passed 10-18-00)

**§ 155.041 ZONING DISTRICTS MAP.**

(A) The location of each zoning district is shown on a map designated as the "Zoning Districts Map of Quincy, Michigan", which information thereon are hereby made a part of this chapter. The official zoning map shall be identified by the signature of the President of the village, attested by the Village Clerk, including the following certification: "This is to certify that this is the official zoning map referred to in Article 3, Section 3.02 of the Village of Quincy Zoning Ordinance, Ordinance No. 185, adopted on October 18, 2000.

(B) Two copies of the zoning ordinance and official zoning map shall be maintained and kept up-to-date for inspection by the public at all times, in the office of the Village Clerk.

(C) When changes are duly made in the district boundaries or other matters on the official zoning map, such changes shall not be considered final and no permit required by this chapter shall be issued until changes have been made on the official zoning map. Each change shall have a reference number on the map referring to the amending action of the Council.

(Ord. 185, § 3.02, passed 10-18-00)

**§ 155.042 INTERPRETATION OF DISTRICT BOUNDARIES.**

The following rules shall apply in interpreting boundaries:

(A) Boundaries indicated as approximately following streets, alleys or highways shall be interpreted as the center lines of the streets, alleys or highways.

(B) Boundaries indicated as approximately following lot lines or boundary lines shall be interpreted as following such lines.

(C) Boundaries indicated as approximately parallel to the center line of streets, alleys or highways shall be interpreted as parallel thereto, and as such distance therefrom as indicated on the official zoning map. If no distance is specified, such distance shall be determined by the scale of the official zoning map.

(D) Boundaries indicated as approximately following railroad lines shall be interpreted to be midway between the main tracks.

(E) Where application of any rule leaves reasonable doubt as to boundaries between districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals.

(Ord. 185, § 3.03, passed 10-18-00)

**§ 155.043 ZONING OF VACATED PUBLIC RIGHTS-OF-WAY.**

Whenever any street, alley or other public way within the village shall be vacated, such street, alley or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the center line.

(Ord. 185, § 3.04, passed 10-18-00)

**§ 155.044 ZONING OF ANNEXED AREAS.**

Any unzoned area annexed to the village shall, immediately upon such annexation, be automatically classified as an R-1 Single-Family Residential District until a zoning map for the area has been adopted by the Village Council.

(Ord. 185, § 3.05, passed 10-18-00)

***R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT*****§ 155.055 PURPOSE.**

The R-1 Single-Family Residential District is intended to promote stability in existing neighborhoods by ensuring comparable residential densities, encouraging a safe environment for family life, and preserving amenities. The purpose of this district is to maintain and enhance the character of established areas while providing for the controlled remodeling and redevelopment as needed and to allow flexibility in the design and site planning of new development.

(Ord. 185, § 4.01, passed 10-18-00)

**§ 155.056 PERMITTED USES.**

In the R-1 Single-Family Residential District, land, buildings and other structures shall be used only for one or more of the following specified uses:

- (A) Single-family detached dwellings.
- (B) Home occupations in accordance with § 155.016.
- (C) State licensed adult and child residential care facilities in accordance with § 155.017.
- (D) Public parks and open space.
- (E) Essential public services.

(F) Accessory buildings, structures and uses, customarily incidental to any of the above permitted uses in accordance with §§ 155.001 through 155.030.

(Ord. 185, § 4.02, passed 10-18-00)

### **§ 155.057 SPECIAL LAND USES.**

The following special land uses may be permitted after review and approval of the Village Council, provided, however, that any request for a special land use shall be subject to the requirements for review and approval set forth in §§ 155.155 through 155.159 and each section thereof, of this chapter:

- (A) Bed and breakfast establishments.
- (B) Churches, temples and similar places of worship.
- (C) Golf courses and driving ranges.
- (D) Hospitals.
- (E) Housing for the elderly.
- (F) Public and quasi-public institutional buildings, structures and uses.
- (G) Public recreational facilities.
- (H) Public, private and parochial elementary, intermediate and high schools.
- (I) State licensed adult and child residential care facilities in accordance with § 155.017.
- (J) Essential public service buildings.

(Ord. 185, § 4.03, passed 10-18-00)

### **§ 155.058 SITE DEVELOPMENT REQUIREMENTS.**

All permitted uses and special land uses are subject to the following site development requirements:

- (A) General provisions in accordance with §§ 155.001 through 155.030.
- (B) Site plan review as may be required in accordance with §§ 155.140 through 155.145.
- (C) Off-street parking as may required in accordance with §§ 155.170 through 155.175.
- (D) Signs are permitted in accordance with the requirements of §§ 155.200 through 155.207 .

(E) Setbacks, area, height and lot dimensions are required as noted below:

<i>R-1 District Regulations</i>	<i>Requirements</i>
Minimum lot area	10,000 square feet
Minimum lot width	100 feet
Minimum front yard setback (a, b,c)	25 feet
Minimum side yard setback (b,c)	5 feet (least one) 20 feet (total) minimum 20 feet between buildings
Minimum rear year setback (b,c)	10 feet
Maximum lot coverage	25%
Maximum building height	35 feet
Minimum floor area	1,000 square feet

Notes:

(a) Corner lots and double frontage lots must provide the required front yard setback on each side of the lot which abut a public street, private road, or access drive.

(b) Setbacks for institutional uses (schools, church, nursing homes, and the like) shall be as follows:

Front:	35 feet	Rear:	30 feet
Sides:	30 feet	Parking:	20 feet

(c) All required yard areas shall be lawn, ground cover, or living landscape plant materials, except for approved access drives, sidewalks, architectural features, ponds, permitted accessory building and essential public service facilities.

(Ord. 185, § 4.04, passed 10-18-00)

## ***R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT***

### **§ 155.065 PURPOSE.**

The R-2 Multiple-Family Residential District is intended to be a high-density residential district which allows multiple-family dwellings, along with other residentially related facilities which serve the residents in the district. This district will generally serve as a transition zone between nonresidential districts and lower-density single-family residential districts.

(Ord. 185, § 5.01, passed 10-18-00)

**§ 155.066 PERMITTED USES.**

In the R-2 Multiple-Family Residential District, land, buildings and other structures shall be used only for one or more of the following specified uses:

- (A) Single-family detached and attached dwellings.
- (B) Two-family dwellings (duplexes).
- (C) Multiple family dwellings.
- (D) Home occupations in accordance with § 155.016.
- (E) State licensed adult and child residential care facilities in accordance with § 155.017.
- (F) Public parks and open space.
- (G) Essential public services.
- (H) Accessory buildings, structures and uses, customarily incidental to any of the above permitted uses in accordance with §§ 155.001 through 155.030.

(Ord. 185, § 5.02, passed 10-18-00)

**§ 155.067 SPECIAL LAND USES.**

The following special land uses may be permitted after review and approval of the Village Council, provided, however, that any request for a special land use shall be subject to the requirements for review and approval set forth in §§ 155.155 through 155.159 and each section thereof:

- (A) Bed and breakfast establishments.
- (B) Churches, temples and similar places of worship.
- (C) Golf courses and driving ranges.
- (D) Hospitals.
- (E) Housing for the elderly.
- (F) Public and quasi-public institutional buildings, structures and uses.
- (G) Public, private and parochial elementary, intermediate and high schools.
- (H) Public recreational facilities.

- (I) State licensed adult and child residential care facilities in accordance with § 155.017.
- (J) Essential public service buildings.

(Ord. 185, § 5.03, passed 10-18-00)

### **§ 155.068 SITE DEVELOPMENT REQUIREMENTS.**

All permitted uses and special land uses are subject to the following site development requirements:

- (A) General provisions in accordance with §§ 155.001 through 155.030.
- (B) Site plan review as may be required in accordance with §§ 155.140 through 155.145.
- (C) Off-street parking as may required in accordance with §§ 155.170 through 155.175.
- (D) Signs are permitted in accordance with the requirements of §§ 155.200 through 155.207.
- (E) Setbacks, area, height and lot dimensions are required as noted below:

<i>R-2 District Regulations</i>		<i>Requirements</i>
Minimum lot area	Multiple-family and duplexes	10,000 square feet
	Other uses	(a)
Minimum lot width	Multiple-family and duplexes	150 feet
	Other uses	(a)
Minimum front yard setback		(a,b,c)
Minimum side yard setback		(a,b,c)
Minimum rear yard setback		(a,b,c)
Maximum lot coverage		
Maximum building height		35 feet
Minimum dwelling unit square footage		

<i>R-2 District Regulations</i>	<i>Requirements</i>
Notes:	
(a) The lot and yard requirements of the R-1 District shall apply to all single-family lots. (b) The yard requirements of the R-1 District shall apply to all duplexes and institutional uses. (c) For all multiple-family developments, the following standards apply: (1) Building and parking lot setbacks along exterior property lines shall be a minimum of 30 feet; 50 feet where the development abuts a single-family residential district. (2) The minimum distance between any two buildings shall not exceed 30 feet. (3) Buildings shall be set back at least 20 feet from the nearest edge of any parking lot or aisle. This dimension may include a sidewalk. (4) No building shall exceed 180 feet in length. (5) Parking shall not cover more than 30% of the area of any required yard. (6) Any multiple-family development comprising 20 or more dwelling units shall provide an active recreational area which shall contain an area equal in size to 1,500 square feet for each dwelling unit in the multiple-family development.	

(Ord. 185, § 5.04, passed 10-18-00) Penalty, see § 155.999

### ***R-3 MANUFACTURED HOUSING COMMUNITY DISTRICT***

#### **§ 155.075 PURPOSE.**

Consistent with the village's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all people, the Manufactured Housing Community District is intended to provide regulations for home residential developments to permit additional variety in housing opportunities and choices.

(Ord. 185, § 6.01, passed 10-18-00)

#### **§ 155.076 PERMITTED USES.**

In the R-3 Manufactured Housing Community District, land, buildings and other structures shall be used only for one or more of the following specified uses:

- (A) Single-family detached and attached dwellings.
- (B) State licensed manufactured housing developments.
- (C) Multiple-family dwellings.
- (D) State licensed adult and child residential care facilities in accordance with § 155.017.

- (E) Public parks and open space.
- (F) Essential public services.
- (G) Accessory buildings, structures and uses, customarily incidental to any of the above permitted uses in accordance with § 155.001 through 155.030.

(Ord. 185, § 6.02, passed 10-18-00)

#### **§ 155.077 SPECIAL LAND USES.**

The following special land uses may be permitted after review and approval of the Village Council, provided, however, that any request for a special land use shall be subject to the requirements for review and approval set forth in §§ 155.155 through 155.159:

- (A) Churches, temples and similar places of worship.
- (B) Hospitals.
- (C) Housing for the elderly.
- (D) Public and quasi-public institutional buildings, structures and uses.
- (E) Public, private and parochial elementary, intermediate and high schools.
- (F) State licensed adult and child residential care facilities in accordance with § 155.017.
- (G) Essential public service buildings.

(Ord. 185, § 6.03, passed 10-18-00)

#### **§ 155.078 DESIGN STANDARDS FOR OVERALL DEVELOPMENT.**

All state licensed manufactured housing developments shall be reviewed by the village under the following procedure:

- (A) *Minimum development size.* Manufactured housing developments shall be at least 15 acres in area, excluding adjacent parcels which may be proposed for expansion.
- (B) *Access.*
  - (1) The main entrance to the development shall have access to a public thoroughfare or shall be connected to a paved collector or arterial road by a hard surfaced road in a permanent easement which shall be recorded by the developers. Sole access to the development via an alley is prohibited.

(2) Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing development, may be permitted, and may be located in a required yard, except as provided in this section. Such entranceway structures shall be subject to the requirements of § 155.015, to permit unobstructed access by all emergency equipment, and such allowance for "clear vision" shall otherwise comply with all codes and ordinances of the village. Sight distance from points of ingress and egress shall be approved by the County Road Commission. The structure and roadway location shall also be approved by the village.

(C) *Perimeter setbacks.* Manufactured homes shall be set back at least 50 feet from any public street right-of-way line and 30 feet from any other exterior property line. This setback shall include a minimum 20-foot wide greenbelt, which includes minimum screening, as outlined below.

(D) *Landscape.* A landscape and screening plan shall be incorporated in the preliminary plans submitted for site plan review to the Village Council. The plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured housing. Manufactured housing developments shall be landscaped and screened as follows:

(1) *Ground surfaces.* Exposed ground surfaces in all parts of the manufactured housing development shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured housing development shall be graded and equipped to drain all surface water in a safe, efficient manner.

(2) *Perimeter screening.* All manufactured housing development shall be screened from existing adjacent residences by either a six-foot screen wall or a densely planted landscaped screen.

(3) *Screen wall option.* If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back in the manufactured housing development from the property line a sufficient distance to resolve such concerns.

(4) *Greenbelt option.* A greenbelt including landscape screening is the preferred option and shall consist of evergreen trees or shrubs and berming. The trees shall be a minimum of six feet in height, at the time of planting, and which are spaced and/or staggered so they provide a continuous screen at maturity, consistent with standards set forth below. Slopes for the berm shall not exceed a 4 to 1 slope with a minimum of a two-foot flat surface on the top of the berm. Alternative screening devices, subject to prior Planning Commission approval, may be utilized if they conceal the manufactured housing development as effectively as the required landscaping described above and provided the alternative screening is kept in good repair.

(5) *Right-of-way greenbelt.* A landscaped berm measuring two and one-half to three feet in height shall be constructed along the public roads on which the manufactured housing development fronts. The berm shall be constructed with slopes no steeper than one foot vertical rise for each four feet

horizontal run. Landscaping adjacent to the road shall comply with the following requirements, consistent with landscaping required for other types of development in the village.

Size	Type	Requirements
2½" - 3" caliper	Deciduous street tree (such as Red or Norway Maple, Linden)	One per 40 lineal feet of road frontage
24"	Deciduous or evergreen shrubs	One per three lineal feet of road frontage
6'	Evergreen trees	One per 40 lineal feet of road frontage

(6) *Site landscaping.* A minimum of one deciduous or evergreen tree shall be planted per two manufactured home sites.

(7) *Parking lot landscaping.* Off-street parking lots containing more than 15 spaces shall be provided with at least ten square feet of interior parking lot landscaping per space. Such areas shall measure at least 150 square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one deciduous tree shall be planted per parking lot landscaped area.

(8) *Perpetual maintenance.* Dead, damaged, and/or diseased screening shall be replaced, within a reasonable time frame, so as to maintain the approved and/or allowed screening technique originally put in place.

(E) *Required open recreation space.* A minimum of 2% of the development's gross acreage shall be dedicated to well drained, useable open space, provided that a minimum of 25,000 square feet of open space shall be provided. The open space may be developed with appropriate recreational facilities and play equipment. The location, shape and development plan for the recreational area shall be reviewed and approved by the Planning Commission, but in no case shall any required open space area be longer than one and one-half times its width. At least half of the open space area shall be graded, developed and sodded to provide recreation for the residents of the manufactured housing development. Open space shall be maintained by the manufactured housing development management, and shall be relatively accessible to all areas of the development.

(F) *Parking.* Parking shall be in accordance with §§ 155.170 through 155.175. If street width will not accommodate on-street parking, 20% of the required spaces shall be provided as guest parking.

(G) *Streets.*

(1) *Street layout.* Maximum cul-de-sac length shall be 1,000 feet. A dead-end road shall terminate with an adequate turning area which is to be approved by the local fire authorities. A blunt-end road is prohibited. Adequate sight distance shall be provided at all intersections, in accordance with clear vision standards applicable to all areas of the village, and those set forth in § 155.011.

(2) *Street width.* Streets or drives within the manufactured housing development shall be constructed to in accordance with the general standards set forth by the Manufactured Housing Commission. In addition, two-way circulation shall be required, with a minimum width of 21 feet with no on-street parking, 31 feet where parallel parking is permitted on one side and 41 feet where parallel parking is permitted on both sides. Streets not permitting parking shall be clearly marked or signed.

(3) *Street names/signs.* All streets and roads shall be clearly marked with appropriate identification and traffic-control signs. For the protection of the public safety, an orderly street name system and numbering system shall be established by the manufactured housing development owner and a plan of this system shall be verified and approved by the Village Fire Department. Manufactured home space numbers shall be located uniformly on each space, manufactured home unit or identification marker, throughout the manufactured housing development and street names shall be adequately marked.

(4) *Street geometry.* The alignment and gradient of a street shall be graded for its full width to drain surface water. Specific standard promulgated by the Michigan Department of Environmental Quality (MDEQ) for the Manufactured Housing Commission shall be strictly adhered to.

(5) *Street materials.* All streets and drives shall be constructed with materials suitable for subgrades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials, adopted herein by reference. Curbing may be installed on service drives. The development roadways shall be constructed as follows:

- (a) Streets shall be crowned with drainage directed to gutters or outside edges.
- (b) Centerline drainage shall be prohibited.
- (c) Curbing shall be concrete, if used.
- (d) If integral valley curbing and gutter or mountable curb and gutter is used, the height of the curb measured from the gutter line shall be between three and five inches.
- (e) Crosswalks shall conform to Act No. 8 of the Public Acts of 1973.

(H) *Sidewalks.* A five-foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured housing development fronts. Such sidewalk shall be located within the road right-of-way or easement, beginning one foot inside the right-of-way or easement line. Additionally, should the developer choose to employ internal sidewalk systems, such sidewalk systems shall conform to the Manufactured Housing Commission standards, as promulgated.

(I) *Accessory buildings and facilities.* Any accessory buildings and facilities constructed within the manufactured housing development shall be designated and serviced consistent with the following requirements:

- (1) Accessory buildings and structures, including development management offices and public works facilities, storage building, laundry facilities, recreation or community facilities, and other

accessory facilities, shall be designed and operated for use by only residents, guests and employees of the manufactured housing development.

(2) Site-built buildings within a manufactured housing development shall be constructed in compliance with the applicable building code and shall require all applicable permits. Any addition to a manufactured housing unit shall comply with the applicable building code. Site plan approval shall be required prior to construction of any on-site building within a manufactured home development, except for storage sheds or garages for individual manufactured homes. Storage sheds and garages shall require a building permit from the village prior to construction.

(3) Each manufactured home shall be permitted one storage shed and one garage. The installation of any such shed or garage shall comply with codes and ordinances of the village and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor storage area on any manufactured home site is prohibited. Storage sheds need not be supplied by the owner of the manufactured housing development. A storage shed shall not exceed a floor area greater than 144 square feet. A carport or garage shall not exceed 576 square feet.

(J) *Building height.* Maximum height of any community accessory buildings and structures shall be 30 feet.

(K) *Storage.* If the owner of the manufactured housing development shall permit storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured housing development, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents of the manufactured housing development. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured housing development. Such storage area shall be screened from view from existing residences adjacent to the manufactured housing development in accordance with the parameter screening provisions described above. Manufactured housing development owners who prohibit storage of boats, off-the-road motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.

(L) *Drainage.* The manufactured housing development shall provide sufficient storm water facilities, independent of sanitary sewers, to prevent flooding of streets, lot or recreation areas. On-site storm water detention facilities, if provided, may be required to be fenced for safety reasons. The street drainage system shall be designed in such a way so as to minimize ponding and icing conditions. All storm water drainage improvements shall be subject to review and approval by the County Drain Commissioner, the Michigan Department of Environmental Quality, in accordance with MDEQ Manufactured Home Park Standards, pursuant to 1987 P.A. 96, as amended.

(M) *Waste receptacles.* Waste receptacles shall be provided unless curb side pick-up is provided. An on-site recycling station for residents may be provided at a location approved by the Planning Commission and the Michigan Department of Environmental Quality. Adequate screening shall be provided, as required for the placement of outdoor storage areas.

(N) *Underground wiring.* All local distribution lines for franchised utilities (telephones, electric service, cable television) shall be placed entirely underground throughout the manufactured housing development area. Mainlines and perimeter feed lines located on a section or quarter section line may be above ground if they are configured or installed within the State Electrical Code guidelines. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

(O) *Mailbox clusters.* The United States Postal Service may require that manufactured housing development be served by clusters of mailboxes servicing several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of an manufactured housing development road with a public road.

(P) *Swimming pools.*

(1) *Definition.* Swimming pool shall mean any artificially constructed portable or non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than 24 inches, having a surface area of 250 square feet or more, and intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices.

(2) *Requirement for fence.* A fence or similar enclosure shall be erected and maintained around any swimming pool. Such fence or enclosure shall be constructed of durable, weather resistant wood and/or chain link material and shall be approved by the Zoning and Sidewalk Coordinator and the manufactured housing development management.

(3) *Setback.* A swimming pool fence shall not be closer than 25 feet to any occupied dwelling if placed on a residential lot.

(4) *Restriction from front yard.* Freestanding swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway.

(5) *Surrounding walk.* All community swimming pools shall be surrounded by a slip resistant walk, at least four feet wide.

(6) *Permits.* Permits shall be applied for and issued from the Village Zoning and Sidewalk Coordinator and State Health Department prior to excavation or construction of any swimming pool requiring a fence as noted above. The application shall be accompanied by a complete set of plans and specifications. A final inspection and approval from the Village Zoning and Sidewalk Coordinator must be obtained prior to use of the swimming pool.

(Q) *School bus stops.* School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing development developer.

(Ord. 185, § 6.04, passed 10-18-00) Penalty, see § 155.999

**§ 155.079 DESIGN STANDARDS FOR INDIVIDUAL LOTS/DWELLING UNITS.**

No manufactured home or mobile home shall be permitted to occupy any site or lot in the manufactured housing development if the home is either longer or wider than would permit compliance with the following requirements:

(A) *Site size.* The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square feet for any one site may be reduced by up to 20% provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.

(B) *Setbacks and spacing.* Each manufactured home site shall have the following yard requirements:

(1) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes; and

(2) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to a home on the same internal road or an intersecting internal road.

(C) *Dwelling unit dimensions.* Any side of any manufactured home facing a public right-of-way must be a minimum of 30 feet in width.

(Ord. 185, § 6.05, passed 10-18-00) Penalty, see § 155.999

**§ 155.080 SITE DEVELOPMENT REQUIREMENTS.**

Manufactured housing developments shall be subject to the review and approval of a site plan by the Planning Commission. The site plan shall consist of a manufactured housing development preliminary plan, as described in the Section 11, of the Mobile Home Act, Act No. 96 of Public Acts of 1987, as amended. Such review of the site plan is required in order to minimize the possibility of adverse effects upon adjacent property; and furthermore to find proper relationships in the development features as they relate to traffic safety, service roads, driveways, parking areas; accessory buildings and uses, and planned open space.

(Ord. 185, § 6.06, passed 10-18-00)

***C COMMERCIAL DISTRICT*****§ 155.090 PURPOSE.**

The C Commercial District is intended to accommodate business establishments that serve community-wide shopping and service needs. This district is intended to create cohesive commercial areas that provide convenient vehicular access between businesses in attractive settings. This district also is intended to provide sites for more diversified types which would often be incompatible with the pedestrian movement in the Central Business District.

(Ord. 185, § 7.01, passed 10-18-00)

**§ 155.091 PERMITTED USES.**

In the C Commercial District, land, buildings and other structures shall be used only for one or more of the following specified uses:

- (A) Retail food establishments, up to 50,000 square feet of gross floor area.
- (B) Retail businesses and shopping centers up to 50,000 square feet of gross floor area.
- (C) Personal and business service establishments.
- (D) Banks, savings and loans, credit unions, and similar financial institutions not including drive-through teller window or drive-through automatic teller facilities.
- (E) Banquet, dance, lodge, and union halls, private clubs, and other similar places of assembly.
- (F) Business, vocational and technical training schools.
- (G) Fitness centers and health clubs.
- (H) Professional offices and clinics of physicians, dentists, psychiatrists, psychologists, chiropractors, osteopaths, optometrists, and similar or allied professions (not including veterinary establishments).
- (I) Professional services such as: insurance, real estate, legal, financial, engineering, architecture, advertising, clerical, sales, management, and similar or allied professions.
- (J) Public and quasi-public institutional buildings, structures and uses including parks.
- (K) Restaurants including carry-out, delicatessens, fast-food, and standard restaurants; not including drive-throughs, drive-ins or open-front windows, or seasonal outdoor seating.

- (L) Studios for art, photography, music, dance and similar uses.
- (M) Essential public services.
- (N) Accessory buildings, structures and uses, customarily incidental to any of the above permitted uses in accordance with §§ 155.001 through 155.030.

(Ord. 185, § 7.02, passed 10-18-00)

#### **§ 155.092 SPECIAL LAND USES.**

The following special land uses may be permitted after review and approval of the Village Council, provided, however, that any request for a special land use shall be subject to the requirements for review and approval set forth in §§ 155.155 through 155.159:

- (A) All permitted retail businesses, food establishments, wholesale and discount clubs, outlet stores, home improvement centers, furniture stores, shopping centers, and similar establishments exceeding 50,000 square feet of gross floor area.
- (B) Animal grooming facilities and pet shops.
- (C) Automobile gasoline stations.
- (D) Automobile service establishment (routine maintenance and minor repair).
- (E) Automobile wash, automatic or self-service.
- (F) Automobile, truck, motorcycle, recreational vehicle and boat dealerships (new and used).
- (G) Banking centers including ATM's (automatic teller machines) and 24-hour ready tellers which are separate from a financial institution.
- (H) Bars, taverns, lounges, brewpubs, and microbreweries (accessory use only).
- (I) Bed and breakfast inns, boarding, rooming and lodging houses.
- (J) Bus and rail passenger stations and taxicab dispatch facilities.
- (K) Churches, temples and similar places of worship.
- (L) Drive-through window facilities for banks, restaurants or other allowed uses.
- (M) Funeral homes and mortuary establishments.
- (N) Hospitals, urgent care facilities, and emergency medical stations.

(O) Hotels and motels.

(P) Open air businesses including nurseries and garden centers; commercial outdoor display, sales, leasing and storage of items such as recreational vehicles and equipment, swimming pools, playground equipment, mobile homes, farm implements, building supplies, lumber, contractor equipment, and other similar goods.

(Q) Open front restaurant windows and seasonal outdoor seating and outdoor cafes (either as an accessory or principal use).

(R) Recreational facilities, public or private, indoor or outdoor.

(S) State licensed adult and child residential care facilities in accordance with § 155.017.

(T) Theaters, cinemas and similar assembly buildings.

(U) Veterinary offices, clinics, and hospitals.

(V) Video rental establishments.

(W) Essential public service buildings.

(Ord. 185, § 7.03, passed 10-18-00)

### **§ 155.093 SITE DEVELOPMENT REQUIREMENTS.**

All permitted uses and special land uses are subject to the following site development requirements:

(A) General provisions in accordance with §§ 155.001 through 155.030.

(B) Site plan review as may be required in accordance with §§ 155.140 through 155.145.

(C) Off-street parking as may required in accordance with §§ 155.170 through 155.175.

(D) Signs are permitted in accordance with the requirements of §§ 155.200 through 155.207.

(E) Setbacks, area, height and lot dimensions are required as noted below:

<i>C District Regulations</i>	<i>Requirements</i>
Minimum lot area	5,000 square feet
Minimum lot width	100 feet
Minimum front yard setback (a, b)	25 feet

<i>C District Regulations</i>	<i>Requirements</i>
Minimum side yard setback (b)	5 feet (least one) 20 feet (total) minimum 20 feet between buildings
Minimum rear year setback (b)	10 feet
Maximum lot coverage	25 %
Maximum building height	35 feet
Minimum floor area	1,000 square feet

Notes:

- (a) Corner lots and double frontage lots must provide the required front yard setback on each side of the lot which abut a public street, private road, or access drive.
- (b) All required yard areas shall be lawn, ground cover, or living landscape plant materials, except for approved access drives, sidewalks, architectural features, ponds, permitted accessory building and essential public service facilities.

(Ord. 185, § 7.04, passed 10-18-00)

### ***CBD CENTRAL BUSINESS DISTRICT***

#### **§ 155.100 PURPOSE.**

The CBD Central Business District is intended to provide for a traditional mixture of small office buildings, speciality retail stores, entertainment, public spaces and related activities that are mutually supporting and serve the needs of both the village and surrounding communities. The intent of these district regulations is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented unified setting, with shared parking. The district makes special provisions for vertical zoning, allowing the upper floors to be used as residential dwellings.

(Ord. 185, § 8.01, passed 10-18-00)

#### **§ 155.101 PERMITTED USES.**

In the CBD Central Business District, land, buildings and other structures shall be used only for one or more of the following specified uses:

(A) Retail businesses up to 20,000 square feet.

(B) Personal and business service establishments.

- (C) Banks, credit unions and similar financial institutions.
- (D) Professional offices and clinics of physicians, dentists, psychiatrists, psychologists, chiropractors, osteopaths, optometrists, and similar or allied professions (not including veterinary establishments).
- (E) Professional services such as: insurance, real estate, legal, financial, engineering, architecture, advertising, clerical, sales, management, and similar or allied professions.
- (F) Public and quasi-public institutional buildings.
- (G) Newspaper and publisher's offices, and accessory commercial printers.
- (H) Studios for art, photography, music, dance and similar uses.
- (I) Business and vocational schools.
- (J) Fitness centers and health clubs
- (K) Restaurants including carry-out, delicatessens, fast-food, and standard restaurants, but excluding drive-through, drive-in or open-front facilities.
- (L) Banquet, dance, lodge, and union halls; private clubs; and other similar places of assembly.
- (M) Residential dwellings in upper stories.
- (N) Warehouse and storage in upper stories.
- (O) Essential public services.
- (P) Accessory buildings, structures, and uses, customarily incidental to any of the above principal uses in accordance with §§ 155.001 through 155.030.

(Ord. 185, § 8.02, passed 10-18-00)

## **§ 155.102 SPECIAL LAND USES.**

The following special land uses may be permitted after review and approval of the Village Council, provided, however, that any request for a special land use shall be subject to the requirements for review and approval set forth in §§ 155.155 through 155.159.

- (A) Banking centers including ATM's (automatic teller machines) and 24-hour ready tellers which are separate from a financial institution.
- (B) Bars, taverns, lounges, brewpubs, and microbreweries (accessory use only).

- (C) Bed and breakfast establishments.
- (D) Boarding, rooming or lodging houses.
- (E) Bus passenger stations.
- (F) Churches, temples and similar places of worship.
- (G) Commercial parking lots.
- (H) Funeral homes and mortuary establishments.
- (I) Hospitals, urgent care facilities, and emergency medical stations.
- (J) Hotels and motels.
- (K) Open front restaurant windows (accessory or principal use) and seasonal outdoor seating and outdoor cafes
- (L) Public, private and parochial elementary, intermediate and high schools.
- (M) Recreation facilities, public and private, indoor and outdoor.
- (N) Retail businesses and shopping centers exceeding 20,000 square feet.
- (O) State licensed adult and child residential care facilities in accordance with § 155.016.
- (P) Theaters, cinemas and similar assembly buildings.
- (Q) Video rental establishments.
- (R) Essential public service buildings.

(Ord. 185, § 8.03, passed 10-18-00)

### **§ 155.103 SITE DEVELOPMENT REQUIREMENTS.**

All permitted uses and special land uses are subject to the following site development requirements:

- (A) General provisions in accordance with §§ 155.001 through 155.030.
- (B) Site plan review as may be required in accordance with §§ 155.140 through 155.145.
- (C) Off-street parking as may required in accordance with §§ 155.170 through 155.175.

(D) Signs are permitted in accordance with the requirements of §§ 155.200 through 155.207.

(E) Setbacks, area, height and lot dimensions are required as noted below:

<i><b>CBD District Regulations</b></i>	<i><b>Requirements</b></i>
Minimum lot area	
Minimum lot width	
Minimum front yard setback	
Minimum side yard setback	
Minimum rear yard setback	20 feet
Maximum lot coverage	Determined by the and the use and requirements for yards, parking and loading
Maximum building height	40 feet
Minimum floor area	

(Ord. 185, § 8.04, passed 10-18-00)

## *I INDUSTRIAL DISTRICT*

### **§ 155.110 PURPOSE.**

This district is intended to accommodate wholesale, warehouse and industrial activities whose operational and physical characteristics do not detrimentally affect any of the surrounding districts. This district is established to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment and storage of finished or semi-finished products from previously prepared materials. This district is also intended to permit limited retail enterprises if they are directly related to the distribution of products manufactured or warehoused, which are not suitable for wholesale distribution. (Ord. 185, § 9.01, passed 10-18-00)

### **§ 155.111 PERMITTED USES.**

In the I Industrial District, land, buildings and other structures shall be used only for one or more of the following specified uses:

(A) Any manufacturing, assembling, compounding, processing, packaging, cleaning, testing, and distribution of materials, goods, foodstuffs and other semi-finished or finished products from previously prepared materials.

(B) Business, vocational and technical training schools.

(C) Mini- or self-storage warehouses.

(D) Printing, lithography, blueprinting, publishing and similar uses.

(E) Professional and corporate offices.

(F) Public and quasi-public institutional buildings, structures and uses.

(G) Research, design, pilot, or experimental product development.

(H) Tool, die, gauge, and machine shops.

(I) Warehousing and wholesale establishments, material distribution facilities, and freight terminals.

(J) Essential public services.

(K) Accessory buildings, structures and uses, customarily incidental to any of the above permitted uses in accordance with §§ 155.001 through 155.030.

(Ord. 185, § 9.02, passed 10-18-00)

#### **§ 155.112 SPECIAL LAND USES.**

The following special land uses may be permitted after review and approval of the Village Zoning and Sidewalk Coordinator, provided, however, that any request for a special land use shall be subject to the requirements for review and approval set forth in §§ 155.155 through 155.159:

(A) Adult regulated uses.

(B) Automobile body repair and paint shops.

(C) Billboards and off-premise signs.

(D) Central dry cleaning plants and laundries.

(E) Health clubs and fitness centers.

(F) Open air businesses including greenhouses, nurseries and garden centers; commercial outdoor

display, sales, leasing and storage of items such as recreational vehicles and equipment, swimming pools, playground equipment, mobile homes, farm implements, building supplies, contractor equipment, and other similar goods.

(G) Recreational facilities, public or private, indoor or outdoor.

(H) Retail sales of goods assembled, manufactured, compounded, processed, packaged or treated from previously prepared materials, or repaired or stored, on the premises, provided the building floor area devoted to retail sales comprises no more than 25% of principal building floor area and the outdoor sales area comprises no more than 25% of the minimum required lot area.

(I) State licensed adult and child residential care facilities in accordance with § 155.017.

(J) Veterinary offices, hospitals, clinics, and kennels.

(K) Wireless communication towers (including radio, television microwave and cellular phone towers and similar facilities).

(L) Accessory fuel services and storage.

(M) Accessory use or storage of hazardous materials.

(N) Essential public service buildings and storage yards.

(Ord. 185, § 9.03, passed 10-18-00)

### **§ 155.113 SITE DEVELOPMENT REQUIREMENTS.**

All permitted uses and special land uses are subject to the following site development requirements:

(A) Activities in this district shall be carried on in completely enclosed buildings.

(B) Uses in this District shall conform to the safety standards of appropriate federal and state agencies that are designated to regulate air, water and noise pollution and the use or manufacture of hazardous substances, to include explosive substances, propane, flammable liquids, oxygen, and acetylene. Buildings that contain hazardous substances shall be constructed so as to contain any spillage that occurs within the building, or diked so as to contain the rupture of a storage facility. All construction plans relating to the location of buildings, storage facilities, fencing and other above-ground structures, screening and landscaping, shall be subject to review and approval by the Fire Department, particularly in regards to appropriate on-site clearance for the accessibility of fire and other emergency vehicles. Each building shall also have an approved fire and security warning system. All areas shall be plainly lighted and marked.

(C) All uses permitted within the Industrial District shall comply with the sewer and other applicable ordinances of the village.

(D) Side or rear yard areas shall be effectively screened by a solid, uniformly finished wall or fence, or a 25-foot wide solid evergreen planting, which would effectively screen parking, loading, unloading and servicing, if first approved by the Village Zoning and Sidewalk Coordinator. Such wall or fence shall be at least six feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading, or servicing activity being screened.

(E) General provisions in accordance with § 155.001 through 155.030.

(F) Site plan review as may be required in accordance with §§ 155.140 through 155.145.

(G) Off-street parking as may required in accordance with §§ 155.170 through 155.175.

(H) Signs are permitted in accordance with the requirements of §§ 155.200 through 155.207.

(I) Setbacks, area, height and lot dimensions are required as noted below:

<i>I District Regulations</i>	<i>Requirements</i>
Minimum lot area	
Minimum lot width	
Minimum front yard setback (a)	50 feet
Minimum side yard setback	25 feet
Minimum rear yard setback	25 feet
Minimum parking lot coverage	15 feet from right-of-way 10 feet from other property lines
Maximum lot coverage	50%
Maximum building height	55 feet
Notes:	
(a) Corner lots and double frontage lots must provide the required front yard setback on each side of the lot which abut a public street, private road, or access drive.	

(Ord. 185, § 9.04, passed 10-18-00)

***PLANNED UNIT DEVELOPMENT (PUD) DISTRICT*****§ 155.120 INTENT.**

(A) The intent of this subchapter is to offer an alternative to traditional development by permitting flexibility in the regulations for development. The standards contained herein are intended to promote and encourage development on parcels of land which are suitable in size, location and character for the uses proposed while ensuring compatibility with adjacent land uses.

(B) The PUD Zoning District standards are provided as a design option to encourage innovation in land use in terms of variety, design, layout, and type of structures constructed, to preserve and protect significant natural features and open space; to ensure that new developments are consistent with the small-town character of the community; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites.

(Ord. 185, § 10.01, passed 10-18-00)

**§ 155.121 QUALIFYING CONDITIONS.**

The following conditions shall apply to all Planned Unit Development (PUD) Districts:

(A) *Unified control.* The Planned Unit Development District shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.

(B) *Size.* A minimum size of ten acres of contiguous land.

(C) *Recognizable benefits.*

(1) The benefits of a PUD District can be provided through site design elements in excess of the requirements of this chapter, such as:

- (a) Unique site design features.
- (b) High quality architectural design.
- (c) Extensive landscaping.
- (d) Efficient consolidation of poorly dimensioned parcels.
- (e) Sensitivity to adjacent residential land uses.
- (f) Unified access.

(g) The preservation of open space and significant natural features including the natural topography, woodlands, wetlands, drains, creeks and streams.

(2) The proposed development shall provide at least one of the following benefits:

(a) *Significant natural assets.* The site contains significant natural assets such as woodlands, rolling topography with grades exceeding 15%, significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats.

(b) *Recreation facilities.* If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide new recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.

(c) *Mixed use.* A site can qualify if the development will provide a complementary and integrated mixture of uses, residential densities and/or housing types. A mixed use project shall be considered a project which proposes a combination of single-family detached and multiple-family housing or a mixture of compatible residential, commercial and industrial uses.

(D) *Public utilities.* All uses within the PUD District shall be served by public water and sewer systems.

(E) *Master plan.* The proposed PUD shall be consistent with the village master plan.  
(Ord. 185, § 10.02, passed 10-18-00)

### **§ 155.122 PERMITTED USES.**

The uses permitted in the PUD District shall be consistent with and in accordance with the permitted uses and special land uses in the underlying zoning district. Other uses, however, may be permitted upon a finding by the Village Council that such uses will be appropriate and compatible with the uses proposed for the development and with the uses surrounding the development.

(Ord. 185, § 10.03, passed 10-18-00)

### **§ 155.123 AREA AND BULK REGULATIONS.**

The height, bulk and area conditions set forth in the site development requirements of the Zoning District shall be used as guidelines for the use areas set forth in the PUD. However, to encourage flexibility and creativity consistent with the intent of the PUD District, the Village Council may permit specific departures from the requirements of the Zoning Code. Any regulatory modification shall be

approved through a finding by the Village Council that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

(Ord. 185, § 10.04, passed 10-18-00)

#### **§ 155.124 DENSITY REGULATIONS.**

(A) The density permitted in the PUD shall be based on the underlying zoning district of the proposed parcel.

(B) *Single-Family Residential.*

(1) Where the underlying zoning is single-family residential, the number of dwelling units allowable within a PUD shall be determined through preparation of a parallel plan.

(a) The applicant shall prepare a parallel design for the project that is consistent with state, county and village requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size, lot width and setbacks in accordance with the site development requirements for the underlying zoning district. The parallel plan must also account for public roadway improvements and contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).

(b) The Village Council shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel design. This number, as determined by the Village Council, shall be the maximum number of dwelling units allowable for the PUD.

(2) *Multiple-Family Residential.* Where the underlying zoning is multiple-family residential, the density shall be the maximum allowed by the underlying zoning district.

(3) *Non-Residential.* Where the underlying zoning is non-residential, residential may be permitted at the density permitted in R-3 Zoning District. Such density shall be permitted in those portions of the PUD proposed for residential use. Land areas of a PUD proposed for non-residential use shall not be counted towards the maximum allowable density.

(4) *PUDs with more than one underlying zoning district.* Where a PUD is proposed for a land area that includes multiple underlying zoning districts, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density, for the overall project. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the project and need not be segregated by the underlying zoning districts. The location and distribution of dwellings within the PUD shall be determined through design that meets the intent of this chapter, preservation of natural features and compatibility with surrounding land uses.

(5) *Density bonus.* A variable density bonus of up 15% may be allowed at the discretion of the Village Council, based upon a demonstration by the applicant of design excellence. Projects qualifying for a density bonus shall include at least one of the following elements:

- (a) A high level of clustered development through smaller lot sizes or attached dwellings were a minimum of 40% of the PUD is common open space.
- (b) Inclusion of an integrated mixture of housing types.
- (c) Removal or renovation of blighted buildings or cleanup of site contamination.
- (d) Other similar elements as determined by the Village Council.

(Ord. 185, § 10.05, passed 10-18-00)

## § 155.125 APPROVAL PROCEDURE.

### (A) *Qualification and conceptual plan (PUD Plan).*

(1) *Pre-application meeting.* Any applicant interested in pursuing a PUD development may request an optional pre-application meeting with village staff, consultants and appropriate agency representatives to review the proposed development. Prior to submitting an application, the applicant may conduct an introductory meeting with the Village Council to present the concept plan for informal comment.

(2) *Submittal requirements.* The following information shall be submitted to the Village Council:

- (a) Application form and review fee.
- (b) Proof of ownership and sworn statement indicating the date of acquisition of the parcel by the present land owner, or authorization from the land owner to submit the proposal for review.
- (c) A concept plan (PUD plan) providing:
  1. A scale not smaller than 1" = 200'.
  2. The location of intended land uses.
  3. Building footprints or lots.
  4. Type and density of dwelling units.
  5. Layout of streets, roads, drives and parking areas.

6. Sidewalks and pathway.
7. An indication of whether public or private roads are intended.
8. Open space areas.
9. General landscaping plans.
10. Indication of natural features to be preserved.
11. Proposed topography.
12. Description of the transition technique provided adjacent to existing single-family developments or residentially zoned areas.
13. Location and types of recreational facilities proposed.
14. A conceptual utility plan including sanitary sewer, public water and stormwater management facilities.

(d) A site analysis map at the same scale as the concept plan, indicating the following:

1. Existing woodlands and trees.
2. Wetland boundaries (documentation by a qualified wetland consultant may be required).
3. Water bodies.
4. Natural drainage patterns (shown with arrows).
5. Existing topography at five-foot contour intervals.
6. Description of general soil conditions based on the U.S. Soil Conservation Service Soil Survey of Branch County.
7. Sight distance limitations.
8. Existing buildings and structures.
9. Existing easements and rights-of-way.
10. Driveways and intersections on both sides of the street within 250 feet of any locations.

11. Adjacent land uses.
12. Unbuildable areas due to site conditions.

(e) A parallel plan or development plan, at the same scale as the PUD concept plan and site analysis, showing the development possible based on the current zoning district standards. This plan will be used to determine density and dimensional standards permitted in the PUD.

(f) Documentation indicating how the criteria for qualification for a PUD have been met.

(g) A table which details all deviations from the established zoning district uses; area, height and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD subchapter. This table shall clearly identify the allowed regulation in comparison to the requested deviation.

(h) Any additional information requested by the Village Council to better assist in the determination of PUD qualification such as, but not limited to: market studies, fiscal impact analysis, traffic impact standards, and environmental impact assessments.

(3) *Village Council review.* The Village Council shall review the request, offer comments and set a public hearing.

(4) *Public hearing.* A public hearing to review the request shall be scheduled in accordance with the following procedures.

(a) The Village Clerk shall publish a notice of public hearing on the request for PUD approval in a newspaper of general circulation in the village. Separate notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary in question, and to the occupants of all structures within 300 feet. Such notification shall be in accordance with Section 4 of the city and Village Zoning Act (Public Act 207 of 1921, as amended).

(b) The Village Council shall conduct the required public hearing. The purpose of the public hearing is for the Council and the applicant to receive public comment on the PUD. The Council shall not take action at the same meeting when the public hearing is conducted unless there is a specific finding that all review standards have been met.

(c) Following the public hearing, the applicant shall submit revised plans and a document which point-by-point addresses each issue, as directed by the Village Council.

(5) *Village Council review and approval.* The Village Council shall review the PUD concept plan in consideration of public hearing comments, technical reviews from village staff and consultant's correspondence from applicable review agencies, and compliance with the standards of this subchapter

and other applicable standards of this chapter. The Village Council shall approve, approve with conditions or deny the request. The decision shall be based on the following:

(a) Whether the proposal meets the eligibility criteria for qualification of the PUD and promotes the land use goals and objectives of the village.

(b) Whether all applicable provisions of this subchapter and this chapter shall be met. If any provision of this subchapter shall be in conflict with the provisions of any other subchapter of this chapter, the provisions of this subchapter shall apply to the lands embraced within a PUD.

(c) Whether there is, or will be at the time of development, adequate facilities to accommodate the sanitary sewage, storm water, solid waste, water supply needs and traffic generated by the proposed project.

(B) *PUD agreement.* If the Village Council approves the PUD concept plan, the applicant shall submit an agreement stating the conditions upon which approval is based, for review and approval by the Village Attorney. The agreement, after review and approval by the Village Council, shall be entered into between the village and the applicant and be recorded in the office of the County Register of Deeds at the expense of the applicant. Approval shall be effective upon recording. The agreement shall provide:

(1) A survey of the acreage comprising the proposed development.

(2) The manner of ownership of the developed land.

(3) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.

(4) Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The village may require conveyances or other documents to be placed in escrow to accomplish this.

(5) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Village Council.

(6) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Village Council.

(7) Provisions to ensure adequate protection of natural features.

(8) The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.

(C) *Rezoning*. The rezoning of the parcel to PUD is concurrent with the PUD Plan approval. If the project does not commence in accordance with division (E), the Village Council may initiate an application to rezone the parcel to its previous zoning designation.

(D) *Final site plan/subdivision plat review and approval*. Final site plans and subdivision plats, as applicable, shall be submitted shall be submitted for review and approval in accordance with §§ 155.140 through 155.145 or the Subdivision Regulations, as applicable. Final site plans or subdivision plats may be submitted for the entire PUD or for individual phases within the PUD. In reviewing site plans and subdivision plans, the following standards shall apply:

(1) Site plans or subdivision plans shall be in substantial conformance with the approved PUD plan.

(2) Each site plan or subdivision plat shall either individually or in combination with previously approved contiguous project areas, meet the standards of this subchapter and the approved PUD plan regarding layout, density, open space and land use.

(3) Each plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PUD.

(4) Any amendment requested to the agreement approved by the Village Council shall be submitted for review by the Village Attorney and approved by the Village Council.

(E) *Extensions*. Approval of the PUD plan shall be effective for a period of two years. If final site plans or subdivision plats for at least the first phase of the PUD are not submitted and approved during this two-year period, the right to develop under the approved PUD plan shall terminate and a new application must then be filed and processed.

(Ord. 185, § 10.06, passed 10-18-00)

## § 155.126 DEVELOPMENT REGULATIONS.

### (A) *Architectural design standards*.

(1) *Residential*. Residential facades shall not be dominated by garages; at least 40% of residential units shall have side entry garages or recessed garages where the front of the garage is at least five feet behind the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations.

### (2) *Non-residential*.

(a) Buildings shall provide distinct, prominent and compatible architectural features that create a positive visual landmark.

(b) Buildings shall utilize high quality architecture with variable building lines, peaked roofs, and architectural accents including awnings, cornice work, edge detailing and other decorative finish materials. Brick shall be the predominate material used on sides of buildings visible from public rights-of-way, access drives and parking lots.

(c) Blank walls shall not face streets.

(d) Peaked roof lines shall not be designed to create false, parapet-style facades.

**(B) *Open space requirements.***

(1) *Common open space.* All land within a PUD that is not devoted to a residential or non-residential building, an accessory structure or use, a roadway or access drive, vehicle parking, or an approved land improvement, shall be set aside as common land for recreation or conservation. Grading in the open space shall be minimal, with the intent to preserve existing topography.

(2) *Amount of open space.* A PUD shall maintain a minimum of 30% of the gross area of the site as dedicated open space held in common ownership. Except as noted in (B)(3), any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of 15% of the overall site (50% of the minimum required open space) shall be upland area that is accessible to all residents of the PUD.

(3) *Areas not considered open space.* The following land areas are not included as dedicated open space for the purposes of this subchapter:

(a) Area proposed as single-family residential lots or site condominiums.

(b) Area proposed to be occupied by multiple-family dwellings.

(c) Any portion of the project used for commercial, office, institutional or industrial purposes including buildings, structures, parking and loading areas. Parking used exclusively for public recreational facilities shall be permitted as open space.

(d) The area of any street right-of-way, private road easement or access drive.

(e) Any submerged land area of a pond, lake, river or stream.

(f) The area within any stormwater detention or retention pond. The Village Council may permit up to 25% of detention or retention areas as open space if the design meets the criteria of division (D)(4).

(4) *Location of open space.* The common open space may either be centrally located along the road frontage of the PUD, located to preserve significant natural features, or located to connect open spaces throughout the development.

(5) *Open space corridors.* Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Village Council.

(6) *Protection of open space.*

(a) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Village Council, such as: recorded deed restrictions, covenants that run perpetually with the land, or conservation easements.

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

1. Indicate the proposed allowable use(s) of the dedicated open space. The Village Council may require the inclusion of open space restrictions that prohibit the following:

A. Dumping or storing of any material or refuse;

B. Activity that may cause risk of soil erosion or threaten any living plant material;

C. Cutting or removal of live plant material except for removal of dying or diseased vegetation;

D. Use of motorized off-road vehicles;

E. Cutting, filling or removal of vegetation from wetland areas;

F. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.

3. Provide standards for scheduled maintenance of the open space.

(c) The dedicated open space shall forever remain open space, subject only to uses approved by the village on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.

(7) *Allowable structures.* Any structure(s) or building(s) accessory to a recreation use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, 1% of the required open space area.

(C) *Natural features.* The development shall be designed to promote the preservation of natural features. Compliance with this requirement shall be determined by the Village Council after review of a site analysis plan, prepared by the applicant, that inventories these features.

(D) *Landscape requirements.*

(1) *Frontage greenbelts.*

- (a) A 20-foot wide greenbelt shall be planted or preserved along all public rights-of-way.
- (b) Greenbelts shall include only living materials and planting beds except for approved sidewalks and pathways, signs, lighting fixtures, driveways and essential services.
- (c) The greenbelt shall contain one canopy tree, one evergreen tree, and six upright shrubs, or fraction thereof, per 30 feet of road frontage.

(2) *Street trees.* Street trees shall be provided on both sides of all internal roads and access drives. For roads serving individual lots or condominium sites, a minimum of two canopy trees shall be provided per dwelling. For roads serving multiple-family and non-residential areas of the PUD, one canopy tree and six upright shrubs shall be provided per 30 feet of road frontage. Existing trees may be credited towards meeting this requirement as determined by the Village Council.

(3) *Foundation plantings.* Plantings including evergreens, low shrubs and small trees shall be provided around the foundations of all buildings.

(4) *Detention areas.* Detention and retention areas may comprise up to 25% of the required open space if designed to provide a natural appearance such as slopes no greater than 6:1, variable shape, natural arrangement of landscape materials, aerated fountains, and use of boulder accent walls or other similar design features.

(5) *Parking lots.*

(a) All off-street parking spaces or loading areas must be screened from public view with a street-wall or hedge along the frontage. Street-walls shall be between three feet in height and made of brick or stone.

(b) Where a non-residential use or parking lot is adjacent to a residential use, a six-foot tall brick screening wall shall be required. The Village Council may substitute this requirement for a three-foot tall landscape berm with a row of evergreen trees spaced no more than ten feet on-center.

(c) Off-street parking lots shall provide a ten-foot wide open green space area around the perimeter of the parking lot.

(d) Landscaping shall be provided within parking lot landscape islands or surrounding the parking lot at a rate of one canopy tree for every ten parking spaces.

(E) *Compatibility with adjacent uses.*

(1) *Location of structures.* The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the perimeter of the PUD or so as to negatively impact the residential use of adjacent lands.

(2) *Transition areas.* Where the PUD abuts a single-family residential district, the Village Council may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. The Village Council shall review the proposed transition area to ensure compatibility. The Village Council may require that the transition area consist of one or more of the following:

(a) A row of single-family lots or condominium sites similar to adjacent single-family development in terms of density, lot area, lot width, setbacks and building spacing.

(b) Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.

(c) Open or recreation space.

(d) Significant changes in topography which provide an effective buffer.

(F) *Parking lots.*

(1) All parking and loading areas serving the commercial uses shall be to the rear or side of the structure except the Village Council may allow up to 25% of the minimum number of required parking spaces in the front yard.

(2) Parking and loading areas shall be fully screened from view of any public roadway.

(G) *Access and circulation.*

(1) *Access.* Access shall be limited to one major entrance along any major thoroughfare. Additional access points may be considered if spaced at least 500 feet apart.

(2) *Internal roads.* All roads within the PUD shall meet the minimum requirements of the village.

(3) *Pedestrian circulation.*

(a) Sidewalks, a minimum of five feet wide shall be provided on both sides of all streets within the PUD.

(b) Sidewalks shall be at least eight feet wide in commercial areas or in residential areas adjacent to parking spaces where the sidewalk is connected to the curb.

(c) Eight-foot wide sidewalks shall be provided along major thoroughfares abutting the PUD.

(d) Pedestrian and/or bike trails shall be provided within the open space. They may be constructed of asphalt, gravel or other similar material.

(H) *Lighting.*

(1) Exterior lighting shall be restrained and excessive brightness avoided to help ensure compatibility with adjacent land uses.

(2) All lighting shall be limited to 20 feet in height.

(3) The intensity of light fixtures shall be limited to 250 watts.

(4) Any lighting other than ornamental street lights shall be downward directed cut-off type fixtures.

(5) Floodlight type fixtures shall not be permitted except for building accent and sign lighting approved by the Village Council.

(6) The Village Council may require a consistent type of pedestrian scale ornamental lighting along all streets, and sidewalks and within any off street parking lots.

(I) *Signs.*

(1) Unless otherwise provided in the PUD development agreement, signs shall comply with the standards of the Zoning Ordinance, provided sign types and materials shall be consistent with the overall architectural design of the PUD.

(2) Freestanding signs shall be monument type with a base to match the building materials of the associated building. Landscaping shall be incorporated into area around the sign.

(J) *Entranceway features.* Entranceway features shall be provided at the access points of the PUD. Such features shall include signs, walls, fences, landscaping, and the like that create a harmonious and cohesive entranceway consistent with the small-town character of the area.

(Ord. 185, § 10.07, passed 10-18-00)

**§ 155.127 AMENDMENTS AND DEVIATIONS FROM APPROVED PUD PLANS.**

Any amendment or deviation from the approved PUD plan or final site plans shall be submitted to the Village Council only after final site plan or plat approval has been granted. Such amendment or deviation shall be explained in writing, accompanied by a site plan illustrating the proposed change.

(A) *Minor changes.* The Village Council may review and approve the proposed revision upon finding the change would not alter the approved design or provisions of the PUD agreement, would not reduce the area devoted to open space, and all applicable Zoning Ordinance regulations will be met. The Village Council shall consider the following when determining a change to be minor:

(1) For residential buildings, the square footage of structures may be reduced by 3%; or increased by 3%, provided the overall density of units does not increase, the minimum square footage and parking requirements are met and the building(s) do not extend into any required open space or required setbacks.

(2) Gross floor area of non-residential buildings may be decreased; or increased by up to 3% or 2,000 square feet, whichever is smaller, provided parking requirements are met and the building does not extend into any required setback or open space.

(3) Floor plans may be changed if consistent with the character of the use.

(4) Relocation of a building by up to five feet, if consistent with required setbacks, open space and other standards.

(5) Height of buildings may be lowered.

(6) Designated woodlands or areas not to be disturbed may be increased.

(7) Plantings on the approved landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any regulated trees lost during construction shall be replaced on a caliper-per-caliper basis on the site.

(8) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, with documentation from county, where appropriate.

(9) Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Zoning and Sidewalk Coordinator.

(10) Grade change of up to one foot, reviewed by the Village Engineer.

(11) Modification of entry design, sign placement or reduction in size of signage, which is consistent with the intent of this section and the approved plan.

(12) Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.

(13) Changes to the location of accessory buildings and structures only when the new location will be consistent with the building envelope identified on the approved plan.

(14) Changes required or requested by the village, county or state for safety reasons.

**(B) Major changes.** Where a requested amendment to the approved final site plan is inconsistent with the approved PUD plan and the modification is considered by the Village Council to be a major change, a revised PUD plan shall be submitted according to the procedures outlined in this subchapter. In all cases, a change in use to a more intensive use than approved in the PUD Plan shall be considered major and require resubmission of a PUD plan.

(Ord. 185, § 10.08, passed 10-18-00)

### **§ 155.128 LIMITATION ON VARIANCES FROM THE ZONING BOARD OF APPEALS.**

The decision to grant PUD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD plan.

(Ord. 185, § 10.09, passed 10-18-00)

### **§ 155.129 FEES.**

Fees for review of plans shall be established by resolution of the Village Council. Costs for the review of plans, studies, and the like as required by the Village Council shall be the responsibility of the applicant and shall be paid in advance of any review.

(Ord. 185, § 10.10, passed 10-18-00)

## ***SITE PLAN REVIEW***

### **§ 155.140 PURPOSE.**

It is the purpose of this subchapter to provide for consultation and cooperation between the land developer and/or the applicant for a special use permit and the Village Zoning and Sidewalk Coordinator. As used in this chapter, "site plan" includes the documents and drawings required by this

chapter to insure that a proposed land use or activity is in compliance with local ordinances, state and federal statutes.

(Ord. 185, § 11.01, passed 10-18-00)

#### **§ 155.141 REVIEW AND APPROVAL.**

(A) *Procedure.* Each application for a site plan review shall include the following:

(1) *Optional sketch plan review.* Preliminary sketches of proposed site and development plans may be submitted for review to the Village Zoning and Sidewalk Coordinator prior to final approval. The purposes of such procedure are to allow discussion between a developer and the Village Zoning and Sidewalk Coordinator prior to final approval, and to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. The Village Zoning and Sidewalk Coordinator shall not be bound by any tentative approval given at this time. Such sketch plans shall include, as a minimum the following:

(a) The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.

(b) Legal description, property parcel number and street address of the subject parcel of land.

(c) Sketch plans showing tentative site and development plans.

(2) *Application procedure.* Request for final site plan review shall be made by filing with the Village Zoning and Sidewalk Coordinator the following:

(a) A review fee as determined by resolution of the Village Council, based upon the cost of processing the review and as shall be on file with the Village Clerk for public information.

(b) Seven copies of the completed application form for site plan review which shall contain at a minimum the following information:

1. Name and address of applicant.

2. Legal description, property parcel number and street address of the subject parcel of land.

3. Area of the subject parcel of land stated in acres, or if less than one acre, in square feet.

4. Present zoning classification on parcel and adjacent parcels.

5. Present and proposed land use.

6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck traffic.

(c) Seven copies of the proposed site plan, on a sheet at least 24 x 36 inches with graphics at an engineers scale, which shall include at a minimum the following information:

1. The name of the project, and the name and address of the applicant.
2. The name, address and professional seal and signature of the architect, engineer, surveyor or landscape architect responsible for the preparation of the site plan.
3. A legal description of the property including size in acres or square feet.
4. A location map.
5. A north arrow.
6. Date of preparation and revision dates.
7. Zoning and current land use of the site and all adjacent sites, including site across any public or private right-of-way from the site.
8. Property lines and easements, including dimensions.
9. The location and dimensions of all existing structures, street rights-of-way, parking areas, sidewalks, and driveways on the site and within 50 feet of the site.
10. The existing and proposed topography of the site and within 50 feet of the site, at two-foot contour intervals.
11. Natural features including bodies of water, wetlands, woodlands, significant trees, steep topography, and the like.
12. Existing and proposed drainage patterns.
13. The proposed use of the site including dwelling unit density where pertinent.
14. The layout and dimensions of proposed lots; easements, streets, drives, access points, and sidewalks; parking and loading areas; and principal and accessory buildings and structures.
15. Building footprints including dimensions, yard setbacks, and lot coverage. Floor plans may be required.
16. Existing and proposed locations and dimensions of utility services.

17. A landscape plan in accordance with §§ 155.185 through 155.194.
18. Parking and loading in accordance with §§ 155.170 through 155.175.
19. Building elevations including building materials, colors and dimensions.
20. Location and method of screening for all waste receptacles and mechanical equipment and utilities in accordance with §§ 155.020 and 155.021.

21. Details of all signs in accordance with §§ 155.200 through 155.207.

22. Details of exterior lighting in accordance with § 155.024.

23. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Village Zoning and Sidewalk Coordinator.

(d) For developments in the I Industrial District, the following shall also be submitted:

1. A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, snow removal and storage plans, waste disposal systems, screening fences or walls, and other construction features which may be proposed.

2. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

3. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste or unusable by-products.

4. Any other information the Village Zoning and Sidewalk Coordinator or Village Council may require which has to do with the public health, safety or general welfare, including, but not limited to, architectural and engineering drawings of all buildings.

(e) Any revisions to any previously submitted site plan must be described in writing and highlighted on the site plan in such a manner that the modifications are easily identified.

(B) *Action on application and plans.*

(1) Upon receipt of the plans and application in completed forms, the Village Zoning and Sidewalk Coordinator shall set and record the date scheduled for the public hearing to be held by him and transmit one copy thereof to the Village Clerk for her records.

(2) The hearing shall be held within 45 days of the date of the receipt of the plans and applicable by the Village Zoning and Sidewalk Coordinator.

(3) The applicant shall be notified of the date, time and place of the hearing on his application not less than three days prior to such date.

(4) At the conclusion of the hearing, the Village Zoning and Sidewalk Coordinator shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of this site plan review provisions of this chapter and criteria herein contained. Any modifications or alternations required by the Village Zoning and Sidewalk Coordinator shall be stated in writing, together with the reasons therefore, and delivered to the applicant.

(5) The Village Zoning and Sidewalk Coordinator may either approve the plans contingent upon the required alternations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Village Zoning and Sidewalk Coordinator shall be made within 100 days of the receipt of the application by the Village Zoning and Sidewalk Coordinator.

(C) *Criteria for review.* In reviewing the application and site plan and approving, disapproving or modifying the same, the Village Zoning and Sidewalk Coordinator shall be governed by the following standards:

(1) That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the village or the County Road Commission.

(2) That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to improve the aesthetic appearance of the area and minimize adverse impacts upon adjacent properties and the neighborhood.

(3) That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

(4) That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.

(5) That all provisions of this chapter are complied with unless an appropriate variance therefrom has been granted by the Village Zoning and Sidewalk Coordinator.

(6) That all buildings and structures are accessible to emergency vehicles.

(7) That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and

streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of supply, education, recreation and other public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

(8) That a plan for erosion control and storm water discharge has been approved by appropriate public officials.

(Ord. 185, § 11.02, passed 10-18-00)

#### **§ 155.142 CONFORMITY TO APPROVED SITE PLAN..**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Village Zoning and Sidewalk Coordinator. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning and Sidewalk Coordinator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Village Zoning and Sidewalk Coordinator may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of this chapter.

(Ord. 185, § 11.03, passed 10-18-00)

#### **§ 155.143 TERM OF APPROVAL OF SITE PLAN.**

Approval of the site plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within the one year, the site plan approval shall become null and void and a new application for site plan approval shall be required and obtained before any construction or earth change is commenced upon the site.

(Ord. 185, § 11.04, passed 10-18-00)

#### **§ 155.144 AMENDMENT OF SITE PLAN.**

A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Village Zoning and Sidewalk Coordinator for review in the same manner as the original application was submitted and reviewed

(Ord. 185, § 11.05, passed 10-18-00)

**§ 155.145 SPECIAL LAND USES.**

Special land uses and activities eligible in a respective zoning district in the village may be permitted only after a site plan review and approval of the Village Council.

(Ord. 185, § 11.06, passed 10-18-00)

***SPECIAL LAND USES*****§ 155.155 PURPOSE.**

The purpose of this subchapter is to provide standards for special land uses, which are uses which under usual circumstances, could be detrimental to other land uses permitted within the same zoning district, but may be permitted because of circumstances unique to the location of the particular use. This subchapter will provide standards for the Village Council to determine the appropriateness of a given special land use using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used and processes employed. Accordingly, special land uses should not be permitted without consideration of relevant restrictions, or conditions being imposed which address their unique characteristics.

(Ord. 185, § 12.01, passed 10-18-00)

**§ 155.156 REVIEW AND APPROVAL.**

The special land uses and activities eligible in a respective zoning district in the village may be permitted only after review and approval of the Village Council. Following approval by the Village Council, such special land uses shall also be subject to site plan review and approval provided for in §§ 155.140 through 155.145.

(A) *Review procedure.* Request for a special land use shall be made by filing with the Village Zoning and Sidewalk Coordinator the following:

(1) A permit fee as determined by resolution of the Village Council based upon the cost of processing the permit and as shall be on file with the Village Clerk.

(2) A copy of the completed application form for special land use which shall contain at a minimum the following information:

(a) Name and address of applicant.

(b) Legal description, property parcel number and street address of the subject parcel of land.

(c) Area of the subject parcel of land stated in acres or, if less than one acre, in square feet.

(d) Present zoning classification on the parcel.

(e) Present and proposed land use.

(f) Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volume.

(g) Any additional material or information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Village Zoning and Sidewalk Coordinator.

(3) The application, together with all required data, shall be transmitted to the Village Zoning and Sidewalk Coordinator.

(B) *Standards for decisions.* In evaluating a proposed special land use, the Village Council shall consider the following factors upon which to base the decision and/or approval.

(1) The similarity and compatibility of the proposed special land use with permitted uses in the respective zoning districts.

(2) Whether or not the proposed use would create a traffic hazard to a greater degree than the permitted uses in that district.

(3) Whether or not the proposed use would create obnoxious or harmful noise or odors.

(4) Location in relation to roads and adjacent residential areas.

(5) Buffering lights and noise from adjacent residential uses where appropriate.

(6) Preservation of elements of the natural environmental such as trees, natural land forms, shore areas and drainage patterns.

(7) Safety factors, such as access for fire and police.

(8) Relationship to shore and stream preservation principles where appropriate.

(C) *Decision of Village Council.* After adequate review and study of any application for a special land use, and after proper notice to all persons as required by Act 207 of 1921, as amended, the Village Council shall approve, approve with conditions or disapprove the application. Any person who has applied for a special land use and shall feel aggrieved by the decision of the Village Council, may appeal directly to the Circuit Court.

(Ord. 185, § 12.02, passed 10-18-00)

**§ 155.157 TERM OF APPROVAL OF SPECIAL LAND USE.**

A special land use approval pursuant to the requirements of this chapter shall be valid for a period of one year from the date of issuance of the permit. If construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the special land use shall be null and void.

(Ord. 185, § 12.03, passed 10-18-00)

**§ 155.158 AMENDMENTS AND EXPANSIONS.**

A proposed amendment, modification or alteration to a previously approved special land use shall be submitted to the Village Zoning Administrator for review in the same manner as the original application was submitted and reviewed.

(Ord. 185, § 12.04, passed 10-18-00)

**§ 155.159 SPECIAL LAND USE SPECIFIC REQUIREMENTS.**

The following special land uses shall be subject to the requirements of the district in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this subchapter. The following uses have such conditions, standards, or regulations:

*(A) Accessory fuel services and storage and accessory use or storage of hazardous materials.*

- (1) The minimum lot size shall be five acres.
- (2) The main and accessory buildings and any storage facilities shall not be located nearer than 300 feet to any adjacent Residential District or use.
- (3) Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.
- (4) No advertising or other signs, other than required regulatory or warning signs, shall be permitted on any tank or other storage facility.

*(B) Adult regulated uses.*

- (1) In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a

concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.

(2) For the purposes of this subsection, adult regulated uses shall be as defined in § 155.002.

(3) Adult uses shall comply with the following requirements:

(a) The adult use shall not be located within a 1,000-foot radius of any other such use or be located on a lot or parcel within 500 feet of a public park, school, child care facility, church, or place of worship.

(b) Any sign or signs proposed for an adult use must comply with the requirements of this chapter, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.

(c) Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches in height, that:

1. "Persons under the age of 18 years are not permitted to enter the premises." and,

2. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

(d) No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.

(e) All off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.

(f) No adult use shall be open for business prior to 10:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.

(g) All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the state, or have such other similar qualifications which must be submitted to and approved by the Village Council. All massage clinics are subject to inspection from time to time by the Zoning Administrator and Sidewalk Coordinator and shall be required to file reports as may be required by the community, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.

(h) Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Village Council, as provided herein.

*(C) Automobile gasoline service, maintenance and repair establishments.*

(1) There shall be a minimum lot area of one acre and a minimum lot frontage on a paved road of 200 feet.

(2) Pump islands shall be a minimum of 40 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.

(3) Overhead canopies shall be set back at least 20 feet from the right-of-way with materials consistent with the principal building.

(4) Overhead doors shall not face a public street or residential district unless as otherwise determined by the Village Council.

(5) Any building side facing a public street or residential district shall be constructed with brick, split-faced block, cut or cast stone, patterned pre-cast concrete or any other materials as determined by the Village Council. E.I.F.S. and vinyl shall be used as accent materials only.

(6) All maintenance and repair work shall be conducted completely within an enclosed building.

(7) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment

(8) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck is prohibited beyond one day.

*(D) Automobile wash, automatic or self-service.*

(1) Only one ingress/egress driveway shall be permitted on any single street.

(2) All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.

(3) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the Village Council.

(4) Any building side facing a public street or residential district shall be constructed with brick, split-faced block, cut or cast stone, patterned pre-cast concrete or any other materials as determined by the Village Council. E.I.F.S. and vinyl shall be used as accent materials only.

(5) Adequate stacking space shall be provided in accordance with the requirements of §§ 155.170 through 155.175. Such space shall not be permitted in the public right-of-way.

(E) *Automobile dealerships (new and used).*

(1) Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.

(2) All parking and outdoor storage areas shall be paved with a permanent and durable surface.

(3) Any use involving the maintenance, service or repair of vehicles shall also meet the special land use standards for automobile maintenance and repair establishments.

(F) *Bed and breakfast establishments.*

(1) The establishment shall be serviced by approved water and sanitary sewer services.

(2) The establishment shall be located on property with direct access to a paved public road.

(3) Such uses shall only be established in a detached single-family dwelling.

(4) Parking areas shall be located off-street and shall not be located in any required front yard. One parking space shall be provided for each occupant room.

(5) The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.

(6) The total number of guest rooms in the establishment shall not exceed seven, plus one additional guest room for each 10,000 square feet or fraction thereof by which the lot area of the use exceeds one acre, not to exceed a total of ten guest rooms.

(7) Exterior refuse storage facilities beyond what might normally be expected for a detached single-family dwelling shall be screened from view on all sides by a six-foot solid, decorative fence or wall.

(8) One sign shall be allowed for identification purposes. Such sign shall not exceed 16 square feet in area, and may not exceed four feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half of the front yard setback area setback of the zoning district in which the use is located and shall be located at least 15 feet from any side or rear lot line.

(9) The establishment shall contain the principal residence of the operator and such operator shall live on the premises while the establishment is active.

(10) Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.

(11) Meals may be served only to the operator's family, employees, and overnight guests.

(12) No guest of the bed and breakfast establishment shall be permitted to reside on the premises for more than 30 consecutive days.

*(G) Billboards and off-premise signs.*

(1) Two signs may counted as a single billboard if the signs are placed back-to-back.

(2) The maximum height of the signs shall be no higher than that permitted in the district in which the billboard is located.

(3) No billboards may be located within 500 feet of another billboard.

(4) The billboard may be illuminated, however, such illumination shall be so arranged as to not cause a hazard to drivers on the adjacent roadway.

(5) No animation or moving parts may be permitted, nor any flashing lights, or intermittent lights that may simulate movement.

*(H) Churches, temples and similar places of worship.*

(1) Buildings of greater than the maximum height allowed in the district regulations may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.

(2) All principal and accessory buildings shall be set back a minimum of 50 feet from any single-family residential district. Parking shall be set back a minimum of 20 feet from any single-family residential district.

(3) Wherever the off-street parking area is adjacent to a residential district, a continuous and obscuring wall, fence and/or landscaping screen at least four feet in height must be provided along the sides of the parking area adjacent to the residentially zoned land.

*(I) Commercial parking lots.*

(1) Parking areas shall be used for parking or storage of private passenger vehicles only.

(2) No business involving the repair or services to vehicles permitted thereon, or sale, or other storage, or display thereof, shall be conducted from or upon such premises.

(3) All such facilities shall be in the same zoning district as the principal use to which it is accessory unless a special land use is permitted and granted for parking in an adjoining zoning district.

(4) No sign shall be erected or placed on the parking area except that not more than one directional sign at each point of ingress and egress may be erected or placed. Such signs may also contain information on charges and duration and shall not exceed 12 square feet per side nor 15 feet in height.

(5) All facilities shall be constructed in conformance with the requirements of this chapter pertaining to such parking areas.

(6) The parking lot must be adequately screened with berms, walls, fences, landscaping or combination thereof, to adequately screen vehicles and headlights from adjacent residential districts and uses.

*(J) Drive-through window facilities for banks, restaurants or other allowed uses.*

(1) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Stacking shall be in accordance with §§ 155.170 through 155.175. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.

(2) In addition to parking space requirements, at least three parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

(3) Parking areas shall be set back at least one-half the required front yard setback for the district in which the use is located, and at least 20 feet from the side and rear lot lines.

(4) Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or 75 feet from the centerline of any other driveway.

(5) Trash containers shall be enclosed by a structure screened on at least three sides.

(6) Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

*(K) Essential public service buildings and storage yards.*

(1) Buildings, structures and other facilities shall be set back a minimum of 50 feet from any property line.

(2) Buildings, structures, and other facilities shall be generally compatible in terms of color and building materials, with the surrounding neighborhood.

(3). An obscuring screen consisting of a wall, fence, and/or landscaping shall be required as determined by the Village Council.

*(L) Funeral homes and mortuary establishments.*

(1) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

(2) No waiting lines of vehicles shall extend off-site or onto any public street.

*(M) Golf courses and driving ranges.*

(1) Buildings, structures, and parking shall be set back a minimum of 50 feet from any property line.

(2) A continuous and obscuring wall, fence and/or landscaping screen at least four feet in height must be provided along any property line adjacent to residentially zoned land.

(3) Site size shall be adequate to retain golf balls within the site by means of a fence not to exceed six feet in height.

*(N) Hospitals, urgent care centers and emergency medical stations.*

(1) The front, side and rear yard minimum building setbacks shall be 50 feet.

(2) Parking setbacks shall be 50 feet in the front yard, 20 feet for side and rear yards.

(3) Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall, fence and/or landscaping a minimum of six feet in height.

*(O) Housing for the elderly.*

(1) All dwelling units shall have a minimum of 450 square feet per unit.

(2) The front, side and rear yard minimum building setbacks shall be 50 feet. Parking setbacks shall be a minimum of 20 feet.

(3) Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential building.

(4) Open space areas shall be provided at the rate of 25 square feet per 100 square feet of living area.

(P) *Open air businesses.*

- (1) Minimum lot area shall be five acres.
- (2) Stored vehicles or goods on a site without a building shall meet the setback requirements of the zoning district. If a building is located on the site, no outdoor storage shall be permitted in the front yard or in any required side yard of buildings for the district in which the commercial outdoor storage use is located.
- (3) If retail activity is associated with the use, a building of at least 500 square feet of gross floor area for office and sales use is required.
- (4) The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The storage of fertilizer, pesticides and other hazardous materials is prohibited.
- (5) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water.
- (6) Fencing and lighting for security purposes may be required as determined by the Village Council.

(7) An obscuring screen consisting of a wall, fence, or landscaping shall be required as determined by the Village Council. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles, implements, and recreational vehicles may exceed the height of the screen provided that they are set back from the screen a distance equal to their height.

(Q) *Open front restaurant windows and seasonal outdoor seating and outdoor cafes.*

- (1) All containers shall be made of recyclable materials; styrofoam and similar petroleum based material containers shall be prohibited.
- (2) Trash receptacles shall be provided and maintained on the property.
- (3) Outdoor seating may be provided within the required setbacks of the district.
- (4) Parking requirements shall include the outdoor seating area. The Village Council may require additional fencing and/or landscaping for screening. Limits of the outdoor seating must be shown on the site plan.
- (5) Months and hours of operation shall be provided as part of the special land use application.

*(R) Public and quasi-public institutional buildings, structures and uses.*

(1) The proposed site shall have at least one property line abutting a paved public road.

(2) All principal and accessory buildings shall be set back a minimum of 50 feet from any single-family residential district. Parking shall be set back a minimum of 20 feet from any single-family residential district.

(3) Wherever the off-street parking area is adjacent to a residential district, a continuous and obscuring wall, fence and/or landscaping screen at least four feet in height must be provided along the sides of the parking area adjacent to the residentially zoned land.

*(S) Recreational facilities, public and private, indoor and outdoor.*

(1) Minimum lot size shall be one acre.

(2) All buildings and facilities shall be set back a minimum of 50 feet from any single-family residential district. Parking shall be set back a minimum of 20 feet from any single-family residential district.

(3) Wherever the off-street parking area is adjacent to a residential district, a continuous and obscuring wall, fence and/or landscaping screen at least four feet in height must be provided along the sides of the parking area adjacent to the residentially zoned land.

(4) Building design and materials shall be compatible with the existing or intended character of the surrounding area.

*(T) Retail businesses and shopping centers exceeding 50,000 square feet of gross floor area.*

(1) Whenever any such use abuts a single-family residential district, a building setback of at least 200 feet shall be provided. Impervious surfaces (parking and driveways) shall be set back a minimum of 100 feet.

(2) Maximum lot coverage of all buildings shall be 25%, maximum lot coverage of all buildings, parking and paved areas shall be 60% of the site.

(3) Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.

(4) Outdoor storage of trucks, trailers, or pallets shall be prohibited. The outdoor display, sale or storage of merchandise shall require a separate special land use approval.

(5) Any building side facing a public street or residential district shall be constructed with brick, split-faced block, cut or cast stone, patterned pre-cast concrete or any other materials as determined by the Village Council. E.I.F.S. and vinyl shall be used as accent materials only.

*(U) Schools - public, private and parochial elementary and secondary.*

(1) All principal and accessory buildings, structures and uses shall be set back a minimum of 50 feet from any single-family residential district. Parking shall be set back a minimum of 20 feet from any single-family residential district.

(2) All play areas adjacent to a residential district must be fenced.

(3) Bus and vehicular drop-off and pickup areas must be provided and shall be separate from, and not conflict with pedestrian traffic or through travel lanes of any abutting road.

*(V) Veterinary offices, clinics, and hospitals.*

(1) The minimum lot size shall be two acres.

(2) Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than 50 feet to any adjacent occupied dwelling or any adjacent building or use, used by the public.

(3) All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape-proof by any animals to the extent possible.

*(W) Wireless communication towers.* All applications for wireless communication towers shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the tower is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion.

(1) *Co-location.*

(a) The applicant must demonstrate to the Village Council that a feasible co-location on an existing tower, building or other structure for the new wireless communication facility is not available for the coverage and capacity needs and that a location on municipal property is not practical.

(b) Antennas which are attached to an existing tower, building or other structure are encouraged to minimize the adverse visual impacts associated with the proliferation and clustering of towers. Co-location of antennas by more than one carrier on existing towers, buildings or other structures shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

1. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower.

2. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the co-location of an additional antenna.

3. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite when approved by the Village Council.

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

(2) *Use.* Wireless communication towers may be considered either a principal or accessory use.

(3) *Design.*

(a) Towers for commercial wireless telecommunication services shall be located and designed to be harmonious with the surrounding area through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Village Council determines that an alternative design would better blend into the surrounding environment.

(b) All accessory buildings shall be constructed of brick, provided the Village Council may waive this requirement for a building that is located in the industrial district and is not visible from a public right-of-way or non industrial zoning district.

(c) Any proposed tower for commercial wireless telecommunication services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.

(4) *Setbacks.* These provisions shall not apply to towers located on existing buildings, towers, or other existing structure. Any part of the structures or equipment placed on the ground pertaining to the tower for commercial wireless telecommunication services shall comply with the following setbacks:

(a) *Adjacent to any Residential District.* The height of the structure.

(b) *Adjacent to any Nonresidential District.* One-half of the height of the structure.

(c) *Public rights-of-way.* One-half of the height of the structure plus an additional 25 feet.

(5) *Separation.* A minimum of 2,000 feet of separation shall exist between freestanding towers.

(6) *Height.* The maximum height of the new or modified support structure and antennae shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). Any accessory building contemplated to enclose such

things as switching equipment, shall be limited to the maximum height for accessory structures or buildings within the respective district.

(7) *Screening.* The Village Council shall require the structure base, accessory buildings and enclosures to be screened with landscaping, berms, walls, or a combination of these elements.

(8) *Lighting and signs.* Towers for commercial wireless telecommunication services shall not be illuminated unless required by other state or federal authorities. Signs or other advertising not related to safety or hazard warnings shall not be permitted on any part of the tower or associated equipment or buildings.

(9) *Fencing.* Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.

(10) *Access.* There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as:

- (a) The location of adjacent thoroughfares and traffic and circulation within the site.
- (b) Utilities needed to service the tower and any attendant facilities.
- (c) The location of buildings and parking facilities.
- (d) Proximity to residential districts and minimizing disturbance to the natural landscape.
- (e) The type of equipment which will need to access the site.

(11) *Abandoned or unused towers.* Towers for commercial wireless telecommunication services which are abandoned or unused shall be removed, along with any associated structures or equipment, within 12 months of the cessation of operations, unless a time extension is granted by the Village Council. One three-month extension shall be permitted only if the Village Council finds that the owner or former operator of the facility is taking active steps to ensure its removal.

(12) *Nonconforming site conditions.* Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication tower.

(13) *Application requirements.* The following information shall be provided in addition to the requirements of §§ 155.140 through 155.145:

- (a) Signed certification by a professional engineer licensed by the state with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. "fall zone"), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(b) A description of performance guarantee to be posted at the time of receiving a land use permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed.

(c) A map that illustrates existing and known proposed wireless communication facilities within the village and adjacent communities, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility.

(d) For all new facilities, in recognition of the village's policy to promote co-location, a written agreement, transferrable to all assessors and assigns, that the operator shall make space available on the facility for co-location.

(e) Elevations of the accessory buildings shall be provided.

(f) A soils report from a geotechnical engineer, licensed in the state. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.  
(Ord. 185, § 12.05, passed 10-18-00) Penalty, see § 155.999

## ***PARKING AND LOADING REQUIREMENTS***

### **§ 155.170 PURPOSE.**

The purpose of this section is to reduce or prevent traffic congestion and a shortage of parking facilities in the village at the time of erection, enlargement or change in use, of any principal building or structure. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts.

(Ord. 185, § 13.01, passed 10-18-00)

### **§ 155.171 GENERAL REQUIREMENTS.**

(A) All off-street parking and loading facilities required by this subchapter shall be maintained free of accumulated snow, debris or other materials which prevent full use and occupancy of such facilities in accordance with the intent of this subchapter, except for temporary periods of no more than five days in the event of heavy rainfall or snowfall.

(B) Single-family detached units on individual lots: off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.

(C) Off-street parking areas other than for single-family detached homes on individual lots residential uses shall be approved as part of the site plan. Minor changes to the parking layout, as

determined by the Village Zoning and Sidewalk Coordinator, shall require submittal of a parking plan which indicates property lines, existing and proposed ground elevations at two-foot contour intervals, the number of spaces, calculations for meeting the minimum space requirements of this subchapter, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.

(D) Parking spaces shall be provided either on the same lot or within lots under the same ownership within 300 feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot. Parking spaces in lots owned by the village or may be included in determining the required number of spaces, provided that the spaces are within 500 feet and the Village Council determines that spaces are available. Within the Central Business District, on-street parking spaces along the lot's frontage may also be counted towards meeting the minimum required number of spaces.

(E) Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.

(F) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by up to 10% if a signed agreement is provided by the property owners, and the Village Council determines that the peak usage will occur at different periods of the day.

(G) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided elsewhere, or the parking requirements of the site change.

(H) *Storage.* The use of required parking areas for the material storage, refuse storage stations/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited. The use of semi-trailers for storage purposes on the premises for five or more consecutive days is prohibited.

(I) *Parking lot deferment.* Where the property owner can demonstrate that the required amount of parking is excessive, the Village Council may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this subchapter is retained as open space, and the owner agrees to construct the additional parking at the direction of the Village Council based on observed usage within six months of being informed of such request in writing by the Village Council. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.

(J) *Carports and garages.* Carports and garages for multiple-family dwellings shall be calculated as parking spaces on a one to one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of 14 feet, measured from the grade to the peak of the structure.

(Ord. 185, § 13.02, passed 10-18-00)

### **§ 155.172 OFF-STREET PARKING REQUIREMENTS.**

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule:

Single-family	2 spaces
Two-family	2 spaces per unit
Multiple-family	2 spaces per unit
Commercial - general	4.5 spaces per 1000 sq. ft.
Commercial - CBD	4.0 spaces per 1000 sq. ft.
Office	5.0 spaces per 1000 sq. ft.
Industrial	2.5 spaces per 1000 sq. ft.

(Ord. 185, § 13.03, passed 10-18-00)

### **§ 155.173 BARRIER FREE PARKING REQUIREMENTS.**

There shall be provided within each parking lot, signed and marked barrier-free spaces measuring 12 feet in width, at a convenient location in accordance with the following table:

<i>Total Spaces Provided</i>	<i>Number of Barrier Free</i>	<i>Total Spaces Provided</i>	<i>Number of Barrier Free</i>
1-25	1	151-200	6
26-50	2	201-300	7
51-75	3	301-400	8
76-100	4	401-500	9
101-150	5	Over 500	10

(Ord. 185, § 13.04, passed 10-18-00)

### **§ 155.174 OFF-STREET PARKING DESIGN, CONSTRUCTION AND MAINTENANCE REQUIREMENTS.**

Where required, off-street parking facilities shall be designed, constructed and maintained according to the following standards and regulations.

(A) Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(B) Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.

(C) *Surfacing.* All driveways and parking lots, with the exception of those serving detached single-family homes, shall be hard-surfaced with concrete or asphalt, and shall be graded or drained so as to dispose of stormwater runoff. No surface water from a parking area shall be permitted to drain onto adjoining property unless a watershed easement has been obtained. Discharge of drainage into a public right-of-way or municipal storm sewer shall require written approval of the village.

(D) *Lighting.* All illumination of parking lots or display areas shall be designed, installed and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be 20 feet.

(E) *Curbing.* Curbing shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.

(F) *Dimensions.* Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<i>Parking Pattern</i>	<i>Parking Space Dimension</i>	<i>2-Way Aisle Width</i>	<i>1-Way Aisle Width</i>
76-90 degree	9 feet x 18 feet	26 feet	18 feet
30-75 degree	9 feet x 21 feet	24 feet	15 feet
parallel parking	9 feet x 25 feet with 3-foot area striped for "no parking" between each two spaces	22 feet	15 feet

(G) *Stacking spaces.* Required stacking spaces shall be a minimum nine feet wide and 25 feet in length.

(H) *Setbacks.*

(1) Parking lots shall have a minimum setback of ten feet from any property line that is not a street right-of-way line. This requirement may be waived by the Village Council in the CBD or where a shared access driveway, connected parking lots, frontage road, or rear service drive is provided.

(2) Parking lots and related maneuvering aisles shall back set back a minimum of 20 feet from any public or private right-of-way or access drive.

(3) Parking lots shall be set back a minimum of 25 feet from any property zoned or used for residential purposes.

(I) *Required plans.* Plans and specifications for parking areas shall be submitted to the Village Zoning and Sidewalk Coordinator prior to the issuance of a building permit. These plans shall include:

(1) Existing and proposed grades;

(2) Indication that stormwater run-off shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures.

(3) Indication of surface and base materials to be used during construction.

(Ord. 185, § 13.05, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.175 OFF STREET LOADING AND UNLOADING REQUIREMENTS.**

On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

(A) The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.

(B) Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.

(C) Loading/unloading areas and docks shall not be permitted in the front yard or on any building side facing and directly visible to a public street.

(D) Loading docks and loading areas facing a residential district or public right-of-way shall be adequately screened by a wall and/or landscaping.

(E) Required loading areas shall not be included in calculations for off-street parking space requirements.

(F) The size of all required loading/unloading spaces shall be at least ten feet by 50 feet or 500 square feet in area, with a clearance of at least 14 feet in height.

(G) Loading dock approaches shall be constructed of an asphalt or Portland cement binder with a base sufficient to accommodate expected vehicle weight.

(H) The minimum number of loading spaces shall be provided in accordance with the following table:

Institutional, commercial and office uses

Up to 5,000 sq. ft. GFA	= 1.0 space
5,001 - 60,000 sq. ft. GFA	= 1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	= 3.0 spaces, plus 1.0 space per each additional 50,000 sq. ft. GFA

Industrial Uses

Up to 1,400 sq. ft. GFA	= 0
1,401 - 20,000 sq. ft. GFA	= 1.0 space
20,001 - 100,000 sq. ft. GFA	= 1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	= 5.0 spaces

(Ord. 185, § 13.06, passed 10-18-00)

***LANDSCAPE STANDARDS***

**§ 155.185 PURPOSE.**

This subchapter is intended to reduce the negative impacts between zoning districts through requiring buffer zones and landscape screening, and to provide for landscaping within parking lots to assist in traffic circulation, provide shade, and enhance the environment. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of property within the village. The standards contained herein are considered minimums and not intended to interfere with landscape design flexibility. Providing additional landscaping and/or innovative landscape designs meeting the purpose of this subchapter are encouraged.

(Ord. 185, § 14.01, passed 10-18-00)

**§ 155.186 LANDSCAPE REQUIREMENTS.**

All applications requiring site plan or subdivision plat approval must prepare a landscape plan in accordance with the requirements of this subchapter. A change to the approved landscape plan shall require an amendment to the site plan or subdivision plat.

(Ord. 185, § 14.02, passed 10-18-00)

### § 155.187 GREENBELTS.

A ten-foot wide greenbelt shall be planted or preserved along all public rights-of-way.

(A) Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, lighting fixtures, driveways and essential services.

(B) The greenbelt shall contain a minimum of one canopy tree per 30 linear feet, or fraction thereof, of road frontage including any openings for driveways, pathways or easements. The Village Council may approve the substitution of evergreen trees for up to 50% of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses.

(Ord. 185, § 14.03, passed 10-18-00)

### § 155.188 BUFFER ZONES.

A buffer shall be provided between the subject site and all adjacent properties in accordance with the table below. The Village Council shall determine whether landscaping, a wall, a berm or combination of these elements are needed to attain the intended screening. However, when a wall or berm are used, a larger buffer width may be required to accommodate required plant material and the wall or berm. All walls and berms shall be designed in accordance with the standards contained.

<i>Zoning or Proposed Use of Subject Site</i>	<i>Single-Family</i>	<i>Multiple-Family</i>	<i>Manufactured Housing</i>	<i>Office, Institutional or Public Use</i>	<i>Commercial</i>	<i>Industrial</i>
Single-family detached	none	none	none	none	none	none
Multiple-family	Type B	Type B	Type B	Type B	none	none
Office	Type B	Type B	Type B	none	none	none
Central Business District	Type A	Type A	Type A	none	none	none
Commercial	Type A	Type A	Type A	Type B	none	none
Industrial	Type A	Type A	Type A	Type A	Type A	none
Outdoor storage areas in any district	Type A and 6' wall	Type A and 6' wall	Type A and 6' wall	Type A and 6' wall	Type A	Type A

<i>Zoning or Proposed Use of Subject Site</i>	<i>Single-Family</i>	<i>Multiple-Family</i>	<i>Manufactured Housing</i>	<i>Office, Institutional or Public Use</i>	<i>Commercial</i>	<i>Industrial</i>
Parking lots in any district	6 foot wall in addition to above requirements			Type B	Type B	Type B

(A) *Type A buffer.* Two canopy trees and four shrubs, or one canopy tree, one evergreen and four shrubs per 20 linear feet along the property line, rounded upward.

(B) *Type B buffer.* One canopy tree and four shrubs, or one evergreen tree and four shrubs per 20 linear feet along the property line, rounded upward.

(Ord. 185, § 14.04, passed 10-18-00)

#### § 155.189 PARKING LOT LANDSCAPING.

Parking lots shall be provided in accordance with the following standards:

(A) At least one canopy tree shall be provided per ten parking spaces.

(B) All of the required parking lots trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending eight feet from the edge of the parking lot.

(C) A minimum of one-third of the trees shall be placed within the interior of the parking area.

(D) Where parking is located abutting any public or private roadway, a continuous hedgerow shall be required to be planted between the parking lot and the right-of-way or easement with upright shrubs a minimum of three feet in height spaced two and one-half feet on center. This hedgerow may be located within the required greenbelt. In instances where site constraints warrant a modification of landscaping under § 155.194, the Zoning and Sidewalk Coordinator may approve a variation of this standard utilizing a combination of shrub and ornamental tree plantings with decorative wrought iron fencing with brick pedestals.

(E) Parking lot islands shall be curbed and be at least 150 square feet in area; 75 square feet if irrigated. Islands within parking lots shall be a minimum of ten feet in width. The depth of the island shall be two feet shorter than adjacent parking space.

(F) The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian pathways.

(G) Required parking lot trees cannot be counted toward required greenbelt or buffer zone landscaping.

(Ord. 185, § 14.05, passed 10-18-00)

### § 155.190 PLANT MATERIAL.

(A) All plant material shall be hardy and native to the state, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.

(B) *Minimum sizes and spacing.* The minimum plant sizes and spacing shall be provided in accordance with the following:

<i>Plant Material</i>	<i>Minimum Plant Sizes<sup>1</sup></i>	<i>Spacing Requirements</i>	<i>Suggested Materials</i>
Deciduous canopy trees	2½" - 3' caliper	25' on-center	Oaks*, Hard Maples*, Hackberry*, Sycamore*/Plane Tree, Birch*, Ginko (male), Honeylocust* (thornless varieties), Sweetgum, Hophornbeam*, Linden, Ash*, Hickory* and Hornbeam*
Ornamental trees	2" - 2½" caliper 6' height	15' on-center	Serviceberry*, Redbud*, Dogwood* (tree form), Hawthorn*, Flowering Crab (disease resistant varieties), Flowering Pear, Magnolia and Rose of Sharon
Evergreen trees	6' height	15' on-center	Fir, Hemlock, Pine* and Spruce, Red Cedar and Juniper
Narrow evergreen trees	4' height	12' on-center	
Deciduous shrubs	2' height	4'-6' on-center	Northern Bayberry, Dogwood* (shrub form), Cotoneaster, Forsythia, Mock-Orange, Sumac*, Lilac, Viburnum*, Witchhazel*, Euonymus, Sargent Crab and Ninebark*, Bayberry, Quince, Cotoneaster, Euonymus*, Forsythia, Hydrangea, Holly*, Privet, Potentilla*, Currant*, Lilac, Viburnum* and Weigela

<i>Plant Material</i>	<i>Minimum Plant Sizes<sup>1</sup></i>	<i>Spacing Requirements</i>	<i>Suggested Materials</i>
Upright evergreen shrubs	2' height	3'-4' on-center	Juniper, yew, Dwarf Mugo Pine, Euonymus varieties and Winter Creeper
Spreading evergreen shrubs	18"-24" spread	6' on-center	

Footnote 1: For new trees which are to be planted, caliper shall be measured six inches above the average surrounding grade and the height of trees shall be measured between the top of the planting to the average surrounding grade.

Botanical species containing trees native to southeast Michigan are identified with an asterisk (\*)

(Ord. 185, § 14.06, passed 10-18-00)

### **§ 155.191 WALL STANDARDS.**

When required, walls shall meet the following standards.

(A) Walls intended for complete screening shall be a minimum of six feet in height. Walls intended for decorative purposes or to screen parking along a roadway shall be two and one-half feet in height.

(B) Walls shall be located on the lot line or within the required setback when it is desired to have plant material on both sides of the wall.

(C) Walls shall be continuous except for openings for driveways and pedestrian connections as approved by the Village Council.

(D) Walls shall be constructed of brick, stone, split-face block or other complementary material as approved by the Village Council. The Village Council may allow wood fence in instances where the fence will be separated from vehicular activity and unlikely to be damaged.

(E) Walls shall be durable, weather resistant, rustproof and easy to maintain.

(Ord. 185, § 14.07, passed 10-18-00)

### **§ 155.192 BERM STANDARDS.**

Berms shall be constructed with horizontal and vertical undulations so as to represent a natural appearance with a crest area at least four feet in width. Berms shall be planted with trees, shrubs or lawn to ensure that it remains stable. The exterior face of the berm shall be constructed as a earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall,

terrace or other similar method. The maximum slope of the berm shall not exceed one foot of vertical rise to three feet of horizontal distance.

(Ord. 185, § 14.08, passed 10-18-00)

### **§ 155.193 TREES NOT PERMITTED.**

The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers and they are unusually susceptible to disease or insects. The Village Council may however allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).

(Ord. 185, § 14.09, passed 10-18-00)

### **§ 155.194 WAIVER OR MODIFICATION OF LANDSCAPE REQUIREMENTS.**

During site plan review, the Village Council may determine that existing plant material would provide adequate landscaping or screening or that dimensional conditions unique to the subject parcel would prevent development of required landscape components. If such a determination is made, the Village Council may waive or modify the landscape provisions of this section in consideration of, but not limited to, the following:

- (A) Existing vegetation.
- (B) Topography and grade changes.
- (C) Existing wetlands.
- (D) Type of and distance to adjacent land uses.
- (E) Tree sizes proposed are larger than the minimum requirements.
- (F) Required landscaping would impose greater drainage impacts on adjacent lands than an alternative design.
- (G) Existing zero lot line development pattern in the central business district.
- (H) Shallow setbacks of existing structures.
- (I) Limited site area due to required setbacks and spacing from utility lines.

(Ord. 185, § 14.10, passed 10-18-00)

**SIGNS****§ 155.200 PURPOSE.**

This section is intended to protect and further the health, safety, and welfare of the residents of the village; to maintain and improve the appearance of the village; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising.

(Ord. 185, § 15.01, passed 10-18-00)

**§ 155.201 DEFINITIONS.**

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

**AWNING.** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.

**AWNING SIGN.** A sign affixed flat against the surface of an awning.

**BANNER SIGN.** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.

**BILLBOARD.** A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located, regulated by the Highway Advertising Act, Public Act 106 of 1972.

**CONSTRUCTION SIGN.** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.

**DIRECTIONAL SIGN.** A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.

**FREESTANDING SIGN.** A sign supported on poles not attached to a building or wall.

**GOVERNMENT SIGN.** A temporary or permanent sign erected by the village, or the state or federal government.

**GROUND SIGN.** A sign resting directly on the ground or supported by short poles not attached to a building or wall.

**MARQUEE.** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.

**MARQUEE SIGN.** A sign affixed flat against the surface of a marquee.

**MURAL.** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

**OFF-PREMISE SIGN.** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located. These signs are exclusive of billboard signs regulated by the Highway Advertising Act, Pubic Act 106 of 1972.

**PLACARD.** A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

**POLITICAL SIGN.** A temporary sign used in connection with a noncommercial message or an official Backus Township, school district, county, state, or federal election or referendum.

**PORTABLE SIGN.** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.

**READER BOARD.** A portion of a sign on which copy is changed manually.

**REAL ESTATE SIGN.** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

**ROOF LINE.** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

**ROOF SIGN.** A sign erected above the roof line of a building.

**SIGN.** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.

**SPECIAL EVENT SIGN.** Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.

**WALL SIGN.** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of the wall to which it is attached.

**WINDOW SIGN.** A sign installed inside a window and intended to be viewed from the outside.  
(Ord. 185, § 15.02, passed 10-18-00)

**§ 155.202 EXEMPT SIGNS.**

The following signs are specifically exempt from the provisions of this subchapter, provided such signs are outside of the public street right-of-way and are located to ensure adequate sight distance:

(A) Address, owner or occupant nameplate and other signs of up to two square feet in area attached to a mailbox, light fixture or an exterior wall.

(B) Names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material.

(C) Home occupation identification signs provided that it is a legal home occupation in a residential district, that there is only one sign per parcel, attached to an exterior building wall and does not exceed one square foot in area.

(D) Permanent signs of a religious institution, school, museum, library, community recreation facility or other non-profit organization/institutional bulletin boards that are permanent signs which do not exceed 25 square feet in area, are a maximum of six feet in height, and meet the illumination standards of this chapter.

(E) Construction signs provided that there shall be only one such sign per development project; with a maximum height of six feet; not exceeding 16 square feet in area and that such signs shall be erected during the construction period only and shall be removed within 14 days of the date an occupancy permit is issued.

(F) Garage sale and estate sale signs announcing the sale of household goods, provided that there is only one sign per premises; that they are on-premise only, entirely on private property; that they do not exceed six square feet in area; and that they erected no more than ten business days before and are removed within one business day after the announced sale.

(G) Historical marker, plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding 12 square feet in area.

(H) Signs not exceeding a total of two square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.

(I) Signs on vending machines, gas pumps, and ice containers indicating the contents, provided that the sign on each device does not exceed two square feet in area.

(J) Signs atop gasoline service station pumps announcing on-premise sales, provided that such signs not exceed two square feet in area and signs on gas station pump islands or their structural supports identifying "self-serve" and "full-serve" operations.

(K) Non-commercial signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two square feet in area.

(L) Flags or insignia of any nation, state, the village, community organization, educational institution, non-commercial enterprise, college or university.

(M) Signs identifying residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar uses, provided that the sign has a maximum height of six feet; and does not exceed 24 square feet in area. The sign may be higher than six feet where it is integrally designed as part of an ornamental wall consisting of brick, stone, wrought iron or wood. One permanent sign per vehicular entrance is permitted.

(N) Political signs provided that the property contains an occupied structure, signs are not placed within the public street right-of-way, and signs are spaced at least ten feet apart.

(O) Real estate signs provided that there shall be only one real estate sign per parcel for each public street frontage, that the maximum height of any such sign shall be six feet, and such signs shall not exceed six square feet in area within the residential districts, 12 feet in area for all other districts. Such sign shall be removed within five days of occupancy by purchaser or lessee.

(P) Regulatory, directional and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual.

(Q) Window signs within the building, provided that such signs do not occupy more than 50% of the window area and the clear window portion is located to allow security monitoring from the street.

(R) Warning signs, such as no trespassing, warning of electrical currents or animals, provided such signs do not exceed two square feet in area.

(Ord. 185, § 15.03, passed 10-18-00)

### **§ 155.203 PROHIBITED SIGNS.**

The following signs shall be prohibited in any zoning district.

(A) Signs which obstruct free access or egress from any building.

(B) Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals.

(C) Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.

(D) Signs having moving members or parts, or using high intensity or flashing lights, spinners or animated devices.

(E) Non-regulatory signs placed in any public right-of-way, attached to a utility pole or affixed to a tree.

(F) Portable signs, as defined, unless otherwise provided for in this chapter.

(Ord. 185, § 15.04, passed 10-18-00) Penalty, see § 155.999

#### **§ 155.204 GENERAL STANDARDS FOR PERMITTED SIGNS.**

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided, that no such sign shall be erected or altered until approved by the Village Council and until a permit has been issued.

(A) *Setbacks.* All signs, unless otherwise provided for, shall be located outside any public street right-of-way line. Side yard setbacks for signs shall be the same as that required for the main structure or building. Signs may be placed in the required side yard setback where the Village Council determines such placement will not interfere with views to adjacent signs, will not diminish adequate motorist sight distance, and that it is the most appropriate location on the site due to topography, parking lots, driveways, landscaping and other physical features.

(B) *Sign location.* Sign location shall ensure adequate sight distance.

(C) *Illumination.* Illumination of signs shall be directed or shaded downward, that no direct ray from such illumination shall interfere with the vision of persons on the adjacent streets or of adjacent property owners. Canopies shall not be internally illuminated producing excessive glow. The use of colored lights which might be confused with traffic signals will not be permitted. Underground wiring shall be required for all illuminated signs not attached to a building.

(D) *Wall and canopy signs.* The width of a wall or canopy sign shall not exceed 90% of the width of the building facade upon which it is located.

(E) *Hanging signs in the CBD.* Signs may be permitted on the face or underside of a canopy in the Central Business District, subject to the approval of the Village Council who shall insure that the location, size and type of such sign is consistent with other similar signs in the downtown. Hanging signs must provide a seven-foot clearance from the bottom of the sign to the sidewalk, and cannot exceed a maximum of six square feet in area.

(F) *Projecting or canopy signs.* Projecting or canopy signs in the CBD shall be set back at least two feet from any street curbline, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground. Projecting or canopy signs in all other districts shall have a minimum ground clearance of ten feet, shall be set back at least six feet from any

adjacent public right-of-way, and shall not project over an alley or private access lane. No projecting sign shall extend for more than four feet from the building to which it is attached.

(G) *Directional signs.* No more than one directional sign shall be permitted per approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four.

(H) *Projections.* No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.

(I) *Permitted portable temporary signs (sandwich board).* Portable sandwich board signs may be placed within the CBD at the public entrance to businesses, on either private property or the public sidewalk, subject to the following requirements. Sandwich board signs are permitted within the CBD because of this area is a more pedestrian-orient environment, traffic speeds are slower and the smaller lots in the CBD limit the use of pole signs.

(1) There shall be only one sign at each customer entrance, regardless of the number of tenants on the premises.

(2) Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times.

(3) Each sign shall be placed next to the building wall or adjacent to the curb in a manner which provides six feet of free passage for pedestrians and is safe for and does not interfere with normal pedestrian or automobile traffic.

(4) Each sign shall not exceed an area of 12 square feet, an overall height of 42 inches and an overall width of 30 inches.

(5) All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.

(J) *Measurement of allowable sign area.* The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement.

(K) *Measurement of allowable sign area for wall signs.* Wall sign square footage shall be determined by measuring a box which includes the portion of the canopy which contains a message, symbol and/or logo. When a sign consists solely of lettering or other unifying elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a box.

(Ord. 185, § 15.05, passed 10-18-00)

**§ 155.205 SPECIFIC SIGN STANDARDS.**

	Number of Signs Permitted	Maximum Size				Location	
		Ground			Wall		
		Size	Height				
Signs for non-residential uses	1	40 sq. ft.	6 feet		Not to exceed 5% of wall area	15 feet from right-of-way 100 feet from any residential district	
		<i>Residential</i>	<i>Non-Residential</i>	<i>Residential</i>	<i>Non-Residential</i>		
Temporary signs							
Real estates signs	1	6 sq. ft.	12 sq. ft.	4 feet	12 feet		
Construction signs	1	32 sq. ft.		10 feet		25 feet from right-of-way	
Political signs	1 per candidate	1 sq. ft.				15 feet from right-of-way	
Garage sale signs	1	6 sq. ft. 24 sq. ft. at subdivision entranceway					

(Ord. 185, § 15.06, passed 10-18-00)

**§ 155.206 NON-CONFORMING SIGNS.**

A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a non-conforming sign shall not be structurally altered or repaired so as to prolong its life or so as to change its shape, size, type or design unless such change shall make the sign conforming; nor shall a non-conforming sign shall not be replaced by another non-conforming sign.

(Ord. 185, § 15.07, passed 10-18-00)

**§ 155.207 SIGN PERMITS.**

Signs permits shall be obtained from the village prior to the erection or replacement of any regulated sign. Applications for sign permits shall be submitted to the Zoning and Sidewalk Coordinator for review. The fee for a sign permit shall be established, and periodically changed, by resolution of the Village Council.

(Ord. 185, § 15.08, passed 10-18-00)

***WELLHEAD PROTECTION OVERLAY ZONE*****§ 155.215 PURPOSE.**

(A) The village has determined that:

(1) Certain groundwater underlying the village is the sole source of the village's drinking water.

(2) Groundwater aquifers are integrally connected with the surface water, lakes, and streams which constitute significant public health, recreational and economic resources of the village and surrounding area.

(3) Spills and discharges of petroleum products, sewage and hazardous substances threaten the quality of the groundwater supplies and other water related resources, posing potential public health and safety hazards and threatening economic losses.

(B) Therefore, the village has enacted an overlay ordinance to initiate the following actions:

(1) Preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the village, and to protect them from adverse land use development or land use practices.

(2) Preserve and protect sources of drinking water supply for public health and safety.

(3) Conserve the natural resources of the village and the surrounding area.

(4) Provide a level of protection of the financial investment that the village has in its drinking water supply.

(5) Assure that state regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.

(Ord. 185, § 16.01, passed 10-18-00)

**§ 155.216 DEFINITIONS.**

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

**AQUIFER.** A geologic formation, group of formations or part of formation capable of storing and yielding a significant amount of groundwater to wells or springs.

**BEST MANAGEMENT PRACTICES.** Measures, either managerial or structural, to prevent or reduce pollution inputs to soil, surface water or groundwater.

**DEVELOPMENT.** The construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

**ENVIRONMENTAL CONTAMINATION.** The presence or release of a hazardous substance or other substance, in a quantity, which is or may become injurious to the environment, or to the public health, safety, or welfare.

**FACILITY.** Any building, structure, installation or property from which there may be a discharge of hazardous substances.

**HAZARDOUS SUBSTANCE.** A chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment. The term **HAZARDOUS SUBSTANCE** includes, but is not limited to, any of the following:

(1) **HAZARDOUS SUBSTANCES** as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96.510, 94 State, 2767.

(2) Hazardous Waste as defined in Part 111 of the Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

(3) Regulated Substance as defined in Part 213 of the Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

(4) Hazardous Substance as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

(5) Used oil.

(6) Animal waste or byproducts, or carcasses.

**PRIMARY CONTAINMENT FACILITY.** A tank, pit, container, pipe, or vessel of first containment of a hazardous substance.

**SECONDARY CONTAINMENT FACILITY.** A second tank, catchment pit, or vessel that limits and contains liquid or hazardous substance leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent future environmental contamination of land, ground water or surface water.

**UNDERGROUND STORAGE TANK SYSTEM.** A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

**USED OIL.** Any oil which had been refined from crude oil, used, and as a result of such use contaminated by physical or chemical impurities.

**WELL.** A permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and rules.

**WELLHEAD PROTECTION AREA (WHPA).** The area around and up gradient from the public water supply wells delineated by the ten-year travel time contour capture boundary.

**WELLHEAD PROTECTION OVERLAY ZONE.** The Wellhead Protection Area as outlined on the Overlay Zoning Districts Map.

(Ord. 185, § 16.02, passed 10-18-00)

#### **§ 155.217 PRINCIPAL USES PERMITTED AND PROHIBITED.**

Permitted land uses in the Wellhead Protection Overlay Zone include all those permitted uses as allowed in the underlying zoning district, except for the following:

- (A) Petroleum product manufacturing (including coal).
- (B) Commercial salvage yards and/or scrap processing.
- (C) Oil and gas drilling.
- (D) Vehicle maintenance services, including public and private garages.
- (E) Chemical and paint manufacturing operation.
- (F) Laundry and dry cleaner operations.
- (G) Electronic equipment manufacturing operations.

(H) Electro-plating and chemical coating operations.  
(Ord. 185, § 16.03, passed 10-18-00) Penalty, see § 155.999

### § 155.218 GENERAL PROVISIONS.

These provisions shall apply to all properties within the Wellhead Protection Overlay Zone, including private, commercial, industrial, residential and public properties, which use include the storage or generation of hazardous substances in quantities greater than 100 kilograms (approximately 220 pounds or 25 gallons) per month, and which require site plan review under provisions of this chapter or the Zoning Ordinance of the village. The general provisions apply to entire property parcels, providing parcel is at least partially included in the Wellhead Protection Overlay Zone.

#### (A) *Groundwater protection standards.*

(1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.

(2) Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capability of any wetland, water body, or watercourse, and shall not increase flooding, or the potential for environmental contamination, on-site or off-site, and shall not result in loss of the use of property by any third party.

(3) Industrial facilities with a point source discharge of storm water shall maintain a storm water pollution prevention plan in accordance with applicable state and federal regulations.

(4) General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state surface or groundwater discharge permit. If connected to the public sewer system then the volumes and concentrations of waste discharged to the floor drain may require compliance with the village's industrial pretreatment ordinance.

(5) Sites that at any time use, store or generate substances in quantities greater than 100 kilograms that include hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

(6) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.

(7) Bulk storage of pesticides shall be in accordance with applicable county, state and federal regulations.

**(B) *Aboveground storage and use areas for hazardous substances.***

(1) Primary containment of hazardous substances shall be product tight.

(2) Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers with a volume of less than 40 gallons and packaged for retail use shall be exempt from this item.

(3) Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism, including an allowance of the expected accumulation of precipitation.

(4) Out buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable county, state and federal regulation.

(5) Areas and facilities for loading and unloading or hazardous substances as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater, or soils.

**(C) *Underground storage tank systems.***

(1) Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.

(2) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Environmental Quality (MDEQ). Leak detection, secondary containment, corrosion protection, spill prevention and overfill protection requirements shall be met.

**(D) *Well abandonment.*** Out of service wells shall be sealed and abandoned in accordance with applicable state requirements.

**(E) *Well construction.***

(1) Well drilling, construction and installation shall only be performed by State Registered Well Drillers.

(2) Well construction shall be completed, in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended, and rules.

(3) Well construction shall include fully grouting the entire length of the well casting in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended, and rules.

(F) *Sites with contaminated soils and/or groundwater.*

(1) Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and environment.

(2) Information must be provided regarding the type, concentration and extent of identified contamination, land use deed restrictions and any remedial action plans.

(3) Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

(G) *Construction standards.*

(1) The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, handling hazardous substances in proximity to water bodies or wetlands may be improper.

(2) Hazardous substances stored on the construction site during the construction process, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage container volume of over 40 gallons that contains hazardous substances shall have secondary containment.

(3) If the contractor will be storing or handling hazardous substances that require a material safety data sheet (MSDS), the contractor shall familiarize him/herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.

(4) Upon completion of construction, all hazardous substances and containment systems no longer used, or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor, and shall be disposed of, recycled, or re-used in a proper manner as prescribed by applicable state and federal regulations.

(5) Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

(H) *Maintenance.* In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil and groundwater. Cracks and holes in floors, foundations and walls must be repaired in areas where hazardous substances are handled or stored.

**(I) *Exclusions.***

(1) A limited exclusion from the general provisions is hereby authorized for hazardous substances as follows:

(a) The hazardous substance is packaged for personal or household use or is present in the same form and concentration as a product packaged for use by the general public.

(b) The total excluded substances containing hazardous substances may not exceed 50 gallons or 400 pounds at any time.

(2) A limited exclusion from the general provisions is hereby authorized for non-routine maintenance or repair of property in the Wellhead Protection Overlay Zone provided the uses are limited as follows:

(a) The aggregate of hazardous substances may not exceed 50 gallons or 400 pounds at any time.

(b) The total use of substances containing hazardous substances may not exceed 100 gallons or 800 pounds at any time.

(Ord. 185, § 16.04, passed 10-18-00) Penalty, see § 155.999

**§ 155.219 SITE PLAN REVIEW REQUIREMENTS.**

In addition to the requirements of §§ 155.140 through 155.145, the following information shall be provided on a site plan submitted for review to the Village Council:

(A) The location and size of interior and exterior area(s) and structure(s) to be used for on-site storage, use, load/unloading, recycling, or disposal of hazardous substances.

(B) The location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated stormwater or wash water, and all similar uses.

(C) The location of existing and proposed wells.

(D) The location of exterior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

(E) The areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of any site remedial action plan and land use deed restrictions, if applicable.

(F) The "Village of Quincy State and County Environmental Permits Checklist".  
(Ord. 185, § 16.05, passed 10-18-00)

### **§ 155.220 DETERMINATION OF APPLICABILITY.**

It shall be the responsibility of any person owning real property and/or owning and operating a business within the village corporate limits to make a determination of the applicability of this chapter as it pertains to the property and/or business under his or her ownership or operation and his or her failure to do so shall not excuse any violations of this chapter.

(Ord. 185, § 16.06, passed 10-18-00)

### **§ 155.221 CONDITIONS FOR APPROVAL OR DENIAL.**

The Village Council, upon reviewing a site plan, shall take one of the following actions:

(A) *Approval.* If the site plan meets all the Zoning Ordinance and related development requirements and standards, the Village Council shall record such approval and the Village President shall sign three copies of the site plan filing one in the official site plan file, forwarding one to the Village Zoning and Sidewalk Coordinator, and returning one to the applicant.

(B) *Disapproval.* If the site plan does not meet Zoning Ordinance and related development requirements and standards, the Village Council shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.

(C) *Conditional approval.* Conditions on approval of the site plan may be imposed meeting the requirements specified in the Village Zoning Enabling Act. Conditions must be:

(1) Designed to protect natural resources, and the health, safety, and welfare and the social and economic well-being of residents, neighbors, and the community as a whole.

(2) Related to the valid exercise of the police power.

(3) Necessary to meet the purposes of the Zoning Ordinance and related to the standards established in the Zoning Ordinance for the land use or activity under consideration.

(D) *Table.* If the site plan is found to be in violation of requirements, incomplete with respect to necessary information or presenting a unique situation, the Village Council may table the site plan until a public hearing can be scheduled to determine specific improvement requirements the Village Council feels are necessary but the applicant is not in agreement with.

(Ord. 185, § 16.07, passed 10-18-00)

**§ 155.222 EXEMPTIONS AND WAIVERS.**

The transportation of any hazardous substance shall be exempt from the provisions of this chapter provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a state licensed hazardous waste treatment, storage, or disposal facility.  
(Ord. 185, § 16.08, passed 10-18-00)

**§ 155.223 APPEALS.**

The Village Council may grant a special permit if it finds by written decision that the proposed use:

- (A) Meets the intent of this section as well as its specific criteria.
- (B) Will not, during construction or thereafter, have an actual or potential adverse impact on any aquifer or recharge area in the district.
- (C) Will not actually or potentially adversely affect an existing or potential domestic or municipal water supply; and is consistent with existing and probable future development of surrounding areas.

(Ord. 185, § 16.09, passed 10-18-00)

***ZONING BOARD OF APPEALS*****§ 155.235 AUTHORITY.**

The Village Council shall serve as a Zoning Board of Appeals. A concurring vote of two-thirds (2/3) of the members of the Zoning Board of Appeals shall be required to reverse any order, requirement, decision or determination of the Zoning and Sidewalk Coordinator or to decide in favor of the applicant, any matter upon which it is required to pass under this ordinance or to effect any variation in this chapter.

(Ord. 185, § 18.01, passed 10-18-00)

**§ 155.236 POWERS.**

The duties and powers of the Zoning Board of Appeals shall include the following:

- (A) *Review.* To hear and decide, upon appeal, any determination made by the Village Council, or other administrative agent acting under the terms of this chapter. The Zoning Board of Appeals shall reverse an order of the Zoning and Sidewalk Coordinator only if it finds that the action or decision appealed meets one of the following conditions:

- (1) Was arbitrary or capricious.
- (2) Was based on an erroneous finding of fact.
- (3) Constituted an abuse of discretion.
- (4) Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

(B) *Interpretation.* To hear and decide upon any request for the interpretation of the provisions of this chapter in compliance with the intent and purposes set forth in this chapter.

(C) *Variances.*

(1) *General variances.* The Village Council may authorize a variance from the strict application of the area or dimensional standards of this chapter when the applicant demonstrates by clear and convincing evidence to the satisfaction of the Council all of the following conditions applies.

(a) *Practical difficulty.* A practical difficulty exists on the subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; exceptional topographic conditions) and strict compliance with the Zoning Ordinance standards would unreasonably prevent the owner from using the subject site for a permitted use or would render conformity unnecessarily burdensome. Demonstration of a practical difficulty shall have a bearing on the subject site or use of the subject site, and not to the applicant personally. Economic hardship or optimum profit potential are not considerations for practical difficulty.

(b) *Unique situation.* The demonstrated practical difficulty results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the ordinance was adopted or amended which are different than typical properties in the same zoning district or the vicinity.

(c) *Not self-created.* The conditions resulting in a variance request cannot be self created and would have existed regardless of ownership of the property.

(d) *Substantial justice.* The variance would provide substantial justice by granting the property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity (such as the supply of light and air, significant increases in traffic, increased odors, an increase in the danger of fire, or other activities which may endanger the public safety, comfort, morals or welfare).

(e) *Minimum variance necessary.* The variance shall be the minimum necessary to grant relief created by the practical difficulty.

(f) *Compliance with other laws.* The variance is the minimum necessary to comply with state or federal laws, such as farming activities protected by the "Right to Farm Act" or accessory to meet the needs of individuals with disabilities protected under the Americans with Disabilities Act.

(2) *Use variances.* Use variance is requested when the use proposed by an applicant is not listed as either permitted or as a special land use in the district in which the property is located. Use variances are rarely warranted, and may only be granted when the Village Council makes all of the following findings:

(a) *Master plan compliance.* The proposed use is consistent with the uses called for in the master plan for the subject property.

(b) *Compatibility with surroundings.* The proposed use is compatible with existing or planned uses on surrounding properties.

(c) *Unreasonable zoning.* The applicant has demonstrated that the site can not reasonably be used for any of the uses allowed under current zoning.

(d) *Infrastructural compatibility.* Public utilities and streets are sufficient to accommodate the proposed use.

(e) *Unnecessary hardship.* An unnecessary hardship on the property in question is due to very unique circumstances.

(f) *Minimum variance necessary.* The variance requested is the minimum necessary to permit reasonable use of the land.

(g) *Criteria for general variance.* The request meets all of the criteria for a general variance listed above.

(Ord. 185, § 18.02, passed 10-18-00)

## **§ 155.237 PROCEDURES.**

(A) *Adoption of procedures.* The Village Council shall adopt rules governing its proceedings.

(B) *Written requests.* All requests for variances, appeals and special exceptions shall be filed with the Village Clerk and accompanied by the fee prescribed in the § 155.216, to assist in defraying the cost of applications.

(C) *Limitations.* All appeals shall be made within 30 days from the date of any decision constituting the basis for appeal. The Village Council shall return its decision within 30 days after a request or appeal has been heard unless additional time is agreed upon by all parties concerned.

(D) *Resubmission.* No application for a variance or special exception which had been denied shall be resubmitted within 90 days from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions.

(Ord. 185, § 18.03, passed 10-18-00)

### ***ADMINISTRATION AND ENFORCEMENT***

#### **§ 155.245 ZONING AND SIDEWALK COORDINATOR.**

The provisions of this chapter shall be enforced by the Village Council. The Council shall employ a Zoning and Sidewalk Coordinator or other zoning administrator to act as its officer to effect proper administration of this chapter for such time and subject to such conditions as the Council deems desirable. The administrator shall hold office at the pleasure of the Council and receive such compensation as shall be determined by the Village Council.

(Ord. 185, § 17.01, passed 10-18-00)

#### **§ 155.246 FEE SCHEDULE.**

To assist in defraying costs of investigation and administration, the Village Council may from time to time adopt and amend by resolution a fee schedule governing issuance of building and land use permits, and other actions taken under the provisions of this chapter.

(Ord. 185, § 17.02, passed 10-18-00)

#### **§ 155.247 NUISANCE PER SE.**

Buildings and structures erected, altered, razed, moved or converted and any use of land or premises in violation of any provision of this chapter are declared to be a nuisance per se. The Zoning and Sidewalk Coordinator shall inspect each alleged violation and shall order correction or abatement in writing to the owner of the premises of all conditions found to be in violation.

(Ord. 185, § 17.03, passed 10-18-00)

#### **§ 155.248 CORRECTION OF VIOLATIONS.**

All violations must be corrected 30 days from issuance of written notice to correct. If not corrected, the violation should be reported to the Village Council.

(Ord. 185, § 17.04, passed 10-18-00)

**§ 155.249 ZONING ORDINANCE AMENDMENTS.**

(A) *Initiation of amendments.* The Village Council is authorized and empowered to cause this chapter and the official zoning map to be amended, supplemented or changed. Proposals for amendments may be initiated by the Council or by petition of one or more owners of property in the village affected by such proposed amendment.

(B) *Amendment procedure.*

(1) Each petition shall be submitted to the Zoning and Sidewalk Coordinator, accompanied by a fee as established by the Village Council, and then referred to the Clerk to set a hearing date and publish notices.

(2) The Village Council shall conduct a public hearing, in accordance with the procedures set forth in P.A. 207 of 1921 as amended.

(3) Following adoption of an Ordinance amendment by the Village Council, a notice of shall be published in accordance with P.A. 207 of 1921 as amended.

(4) If a petition for rezoning or other ordinance amendment, has been disapproved, the request shall not be resubmitted for a period of one year from the date of disapproval unless new and significant information is presented.

(C) *Criteria for amendment of the official zoning map.* In considering any petition for an amendment to the official zoning map, the Village Council shall consider the following criteria in making its findings, recommendations and decision:

(1) Consistency with the goals, policies and future land use map of the master plan, including any subarea or corridor studies. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area.

(2) Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

(3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.

(4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(5) The capacity of village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the village.

(6) The apparent demand for the types of uses permitted in the requested zoning district in the village in relation to the amount of land in the village currently zoned to accommodate the demand.

(7) Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

(8) The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.

(Ord. 185, § 17.06, passed 10-18-00)

### **§ 155.999 PENALTY.**

(A) *Falsifying information.* Any persons who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any method required under this chapter, shall be fined upon conviction not more than \$2,000 per occurrence.

(B) *Violations.*

(1) Any person or persons who is found to have violated an order of the village or who willfully or negligently fails to comply with any provision of this chapter and the orders, rules and regulations and permits issued thereunder, shall be fined upon conviction not more than \$2,000 per occurrence.

(2) Each day on which a violation shall occur, or continue to occur, shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the village may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued thereunder.

(3) Any person or persons violating any of the provisions of this chapter, shall be liable to the village for any expense, loss, or damage caused by such violation. The village shall bill the person or persons for the costs incurred by the village (caused by the violation).

(Ord. 185, § 16.10, passed 10-18-00)

(C) For each and every day a violation continues beyond the permissible grace period, a separate offense shall be declared. Any person, firm, corporation or legal entity violating any provision of this chapter, shall be adjudged guilty of maintaining a nuisance *per se*, punishable by imprisonment for not more than 90 days or by a fine of not more than \$500, or both. Such fine and imprisonment to be in the discretion of the court. (Ord. 185, § 17.05, passed 10-18-00)

## APPENDIX A: ZONING MAP

