

**TITLE XV: LAND USAGE**

Chapter

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## CHAPTER 150: BUILDING CODE

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## **STATE CONSTRUCTION CODE; BUILDING CODE**

### **§ 150.01 CODE ADOPTION.**

Pursuant to the provisions of Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, the village hereby elects to assume responsibility for the administration and enforcement of Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, and enforce the State Construction and Building Code within the village limits.  
(Ord. 5, passed 4-6-1998)

### **§ 150.02 TITLE.**

These regulations shall be known as “the Building Code of the Village of Grass Lake”, hereinafter referred to as “this Code”. A copy of the Code is on file in the office of the Village Clerk, 119 North Lake Street, Grass Lake, Michigan.  
(Ord. 5, passed 4-6-1998)

### **§ 150.03 ENFORCEMENT AGENCY.**

The village hereby designates the Village Building Inspector as the enforcing agency to discharge

the responsibilities of the village under this Act.  
(Ord. 5, passed 4-6-1998)

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

(A) The following sections of the Construction Code are hereby revised as follows:

(1) 117.2 Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50 or more than \$500.

(2) 3408.2 Applicability: Structures existing prior to the effective date of this Ordinance in which there is work involving additions, alterations, or changes of occupancy, shall be made to conform to the requirement of this section or the provisions of Section 3403.0 through 3407.0.

(B) The provisions in §§ 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Use Group H or I.  
(Ord. 5, passed 4-6-1998)

#### **§ 150.05 FEE.**

A fee for each plan examination, building permit and inspection shall be paid in accordance with the fees adopted by the village.  
(Ord. 5, passed 4-6-1998)

#### **§ 150.06 BOARD OF APPEALS.**

A Construction Board of Appeals for the village is hereby created, and shall consist of three members. Each member of the Board of Appeals shall be appointed for a two-year term. Appeals shall be heard within 30 days.  
(Ord. 5, passed 4-6-1998)

#### **§ 150.07 CONFLICTING PROVISIONS.**

All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this subchapter are, to the extent of the conflict, hereby repealed.  
(Ord. 5, passed 4-6-1998)

### ***DILAPIDATED BUILDINGS***

#### **§ 150.20 NAME.**

This subchapter shall be known and cited as “the Grass Lake Dilapidated Building Ordinance”.

(Prior Code, Ch. 9, § 1)

### **§ 150.21 REGULATIONS.**

(A) All buildings and parts thereof, including, but not limited to, trailers and mobile homes, erected on or before the effective date of this subchapter shall be completed and fully and permanently enclosed within one year from that date, or in the alternative, shall be torn down and removed, and any excavation thereunder filled in to grade level.

(B) All buildings and parts thereof, including, but not limited to, trailers and mobile homes, thereafter erected, shall be fully enclosed in accordance with the building permit issued thereof, within one year from the issuance of the permit, or the commencement of the construction, whichever shall first occur. This regulation shall not apply to the construction of large buildings containing more than 100,000 square feet of first floor space.

(C) No building or structure, including, but not limited to, trailers and mobile homes, whether now existing or hereafter erected, shall be left in a dangerous or hazardous condition by virtue of disrepair, depreciation, damage by fire, collapse or act of God, or by virtue of any other cause, but shall be forthwith repaired or rehabilitated, and the dangerous or hazardous condition removed by the owner or occupant thereof, or in the alternative, torn down and removed, and excavation thereafter filled to grade level. No building so damaged or destroyed to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds 75% of the assessed valuation of the building, at the time the repairs or rehabilitation are to be made, shall be repaired or rehabilitated unless it is made to comply in all respects with the provisions of all village ordinances governing the building. Any building so damaged or destroyed to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceed 100% of the assessed valuation at the time when the repairs or rehabilitation are to be made, shall be deemed unfit for human habitation and shall be immediately vacated and unless made to comply with all the provisions of the Village Building Code, shall be demolished and removed.

(D) Whenever it shall be certified by the Building Inspector or County Health Officer that a building is infected with contagious disease or is unfit for human habitation, or dangerous to life or health by reason of want of repair or of defects in the drainage, plumbing, lighting, ventilation or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of the building, the Building Inspector or Village President may issue an order requiring all persons therein to vacate the building within not less than 24 hours nor more than ten days for the reasons to be mentioned in that order. In case such an order is not complied with within the time specified, the Building Inspector or Village President may cause the dwelling to be vacated. Whenever the Building Inspector or Health Officer is satisfied that the danger from the building has ceased to exist, or that it is fit for human habitation, he or she may revoke that order.

(E) Whenever any building or premises or the plumbing, sewage, drainage, lighting or ventilation thereof is, in the opinion of the Building Inspector, or County Health Officer, dangerous or detrimental to life or health, the officer may declare that the same constitutes a health or safety hazard or both.  
(Prior Code, Ch. 9, § 2)

### **§ 150.22 NOTICE OF HEARING.**

Upon making of a determination of hazard, the Village Clerk shall send a notice of hearing to the owner or occupants by certified mail, return receipt requested or by personal service. The notice shall

describe the premises; a complete detail of the conditions which are deemed to constitute the hazard; explain the nature of the proceedings, which are to determine whether or not the building is a nuisance and/or hazard, and what action shall be taken; and give notice of the time, place and before whom the hearing will be afforded.

(A) The hearing shall be set no less than 15 days, nor more than 20 days from the date of the determination of hazard or nuisance by the Building Inspector, or County Health Officer. The hearing shall be held before the Village Council and be held at the regular meeting place of the Council, or at a site designated by the Village Clerk.

(B) At the hearing, the owner or occupant of the premises cited shall be afforded the right to cross-examine all witnesses who testify against the property, to testify on his or her own behalf, and to produce witnesses on his or her own accord.

(C) After a full consideration according to the evidence presented at the hearing, the Council shall take a vote. A majority vote shall be required in order to make a finding that a hazard or nuisance exists. Upon the finding, the Village Council may order the same to be removed, suspended, altered or otherwise improved or purified, and set terms and conditions for the same.

(Prior Code, Ch. 9, § 3)

#### **§ 150.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm, co-partnership, company or corporation who shall violate a provision of §§ 150.01 through 150.07, or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of §§ 150.01 through 150.07, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than 90 days or by fine of not more than \$500, or by both fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed separate offense.

(C) Any person, firm or corporation violating any of the provisions of §§ 150.20 through 150.22 may be deemed guilty of a misdemeanor, and may be punished by a fine of not more than \$100, or in the case of a person, by imprisonment in the county jail not to exceed 90 days, or by both the fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense. In addition to the imposition of the fines and penalties, any building which continues to violate the provisions of §§ 150.20 through 150.22 after the owner or occupant has been ordered by the Village Council to make the same comply or to demolish or to remove the building, may, in the discretion of the Village Council, be made to comply or be demolished and removed by the Village Council or its agents, and the costs thereof collected from the owner or occupant of the premises. If the owner or occupant refuses to pay the costs, the same may be assessed against the property of the owner or occupant and collected in the same manner as are taxes assessed under the general laws of the state. The owner or occupant who pays the costs may collect from the person or other entity who caused the violation to exist, for the sum so expended, in an appropriate action at law. The foregoing remedies shall be in addition to the rights of the village to proceed at law or equity with other appropriate and proper remedies.

(Prior Code, Ch. 9, § 4)

(Ord. 5, passed 4-6-1998)

## CHAPTER 151: RECREATIONAL VEHICLES/EQUIPMENT

### Section

- 151.01 Definitions
- 151.02 Parking/storage
  
- 151.99 Penalty

### § 151.01 DEFINITIONS.

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

**RECREATIONAL EQUIPMENT.** Includes the following:

- (1) **BOATS** and **BOAT TRAILERS.** Includes boats, floats and rafts, plus the normal equipment to transport the same on the highway;
- (2) **FOLDING TENT TRAILER.** A canvas folding structure, mounted on wheels and designed for travel and vacation use;
- (3) **MOTORIZED HOME.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle;
- (4) **PICKUP CAMPER.** A structure designed primarily to be mounted on a pickup or truck chassis, and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses; and
- (5) **TRAVEL TRAILER.** A vehicular, portable structure, built on a chassis, designed to be used as temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.  
(Ord. 11, passed 2-15-1994)

### § 151.02 PARKING/STORAGE.

Any owner of camping and recreational equipment may park or store that equipment on single-family residential property, subject to the following conditions:

(A) Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes;

(B) If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot. The setback requirement in the side or rear yard shall be a minimum of three feet;

(C) Notwithstanding the provisions of division (B) above, camping and recreational equipment may be parked anywhere on the premises for loading and unloading purposes, for a period of not more than 48 hours;

(D) All recreational equipment must be kept in good repair and carry a current year's license and/or registration; and

(E) The parking or storage of an unoccupied mobile home, being a movable or portable dwelling, constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year-round living, is specifically prohibited.  
(Ord. 11, passed 2-15-1994) Penalty, see § 151.99

#### **§ 151.99 PENALTY.**

Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor, and shall be punished by a term of imprisonment not to exceed 90 days, a fine of \$500, or any portion thereof, or both.  
(Ord. 11, passed 2-15-1994)



## CHAPTER 152: SIGN REGULATIONS

### Section

- 152.01 Purpose
- 152.02 Definitions
- 152.03 Signs authorized without a permit
- 152.04 Signs authorized with a permit
- 152.05 Sign permit requirements
- 152.06 Prohibited signs
- 152.07 Construction requirements
- 152.08 Previously existing signs
- 152.09 Appeals
- 152.10 First amendment protection
- 152.11 Administration

### § 152.01 PURPOSE.

(A) This chapter regulates all signs in the village which are visible from public roads, sidewalks, rights-of-way, buildings, parks and other public places and facilities.

(B) The village has a tradition and reputation as a community with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, number and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of vehicular traffic, and define the character of the area. Thus, these considerations impact economic values as well as public health, safety and welfare.

(C) Therefore, this chapter sets standards applicable to signs for the following purposes:

- (1) Maintain and enhance the visual quality (aesthetics) of the community;
- (2) Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs;
- (3) Protect and enhance economic viability by assuring that the village will be a visually pleasant place to visit or live;
- (4) Protect property values and private/public investments in property;
- (5) Protect views of the natural landscape and sky;
- (6) Avoid personal injury and property damage from structurally unsafe signs;

(7) Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention; and

(8) Must direct attention to a business or profession conducted on the premises or to a commodity, service sold, offered, manufactured, processed or fabricated thereon unless specified elsewhere in these regulations.  
(Ord. 39, passed 1-19-2010)

## § 152.02 DEFINITIONS.

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

**AGRICULTURE.** Land and associated buildings whose primary use is to produce crops or livestock or to provide boarding or storage facilities for agricultural products or animals.

**COMMERCIAL/RETAIL/INDUSTRIAL/MANUFACTURING.** Factories, distribution centers, shopping centers, malls, central business districts, satellite business development, and individually located businesses producing goods, storing goods or offering services or goods for sale.

**DEPARTMENTS.** Those village officials and/or employees who have been charged with the responsibility of administering this chapter by resolution of the Village Council.

**OFFICE.** Dental, medical, legal, real estate and other individual professionals or businesses whose primary source of income is provision of services rather than sale and leasing of goods.

**OWNER.** A person owning a sign.

**PERMIT.** The authorization for a sign issued by the Department.

**PROPERTY.** Contiguous real estate taxed as a single parcel.

**PERSON.** Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee and their legal successors and assigns.

**SIGN.** An object, including a structure, movable object, wall or image displaying any message visible to the public. Portable/movable signs, such as those on wheeled devices or sandwich boards, may, at the discretion of the Department, be permitted as a ground sign. Notices legally placed on public property and removed on a daily basis are not considered **SIGNS**. Letters individually painted on or attached to a face of a building that merely identify the owner, occupant or name of the establishment and address are not considered a **SIGN**.

(1) **SIGN, ABANDONED.** A sign which no longer advertises or identifies a business, lessor, owner or activity conducted upon or product available on the premises where the sign is displayed.

(a) Any sign that does not display a well-maintained message for a consecutive 60-day period; or

(b) Any sign no longer fully supported, by the structure designed to support the sign, for a consecutive 60-day period.

(2) **SIGN, AWNING, CANOPY OR MARQUEE.** A sign painted, stamped, perforated or stitched or otherwise applied on an awning (see Figure 1 below).

(3) **SIGN, BANNER.** A sign, temporary, made of any flexible material, such as cloth or vinyl, which is supported by a temporary or permanent structure (see Figure 1 below).

(4) **SIGN, DIRECTION.** A sign on private property without commercial message that gives direction such as entrances, exits or street numbers.

(5) **SIGN, FLASHING, ANIMATED.** Any sign, which, by method or manner of illumination, flashes on or off, winks or blinks with varying light intensity, shows motion or creates the illusion of motion, provides for constantly changing message, or revolves in a manner to create the illusion of being on or off.

(6) **SIGN, FREE STANDING.** A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure (see Figure 1 below).

(7) **SIGN, GOVERNMENT.** A sign authorized by this village, another governmental agency, the state or the federal government.

(8) **SIGN, GROUND MONUMENT.** A sign resting directly on the ground or supported by short poles not attached to a building or wall.

(9) **SIGN, HISTORIC.** A sign that, by its construction materials, unusual age, prominent location, unique design or craftsmanship from another period makes a contribution to the cultural, historic, or aesthetic quality of the village's streetscape. **HISTORIC SIGNS** include ghost signs (remnants of vintage advertisements painted on the side of a building) and signs at least 50 years old which may no longer be advertising a current business activity.

(10) **SIGN, ILLUMINATED.** A sign illuminated in any manner by an artificial light source.

(11) **SIGN, MERCHANDISE.** A sign depicting any manner of merchandise manufactured or sold inside a place of business.

(12) **SIGN, MESSAGE BOARD.** A permanently fixed sign providing for a changing message or copy no more than once per day, illuminated or not.

(13) **SIGN, MESSAGE ELECTRONIC.** A permanently fixed sign providing for a changing message or copy of more than once per day, but not less than every 30 seconds, by computerized or technological illumination.

(14) **SIGN, PLACARD.** A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

(15) **SIGN, PORTABLE.** Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic (see Figure 1 below).

(16) **SIGN, PROJECTING.** A sign affixed to any part of a building or structure which extends beyond the building or structure by more than 12 inches.

(17) **SIGN, ROOF.** A sign erected, constructed or maintained upon, or which projects above, the roof or parapet line of a building. (See Figure 1 below).

(18) **SIGN, SANDWICH BOARD.** A sidewalk level sign of a creative nature which expresses the unique character of a business or building promoting special sales and specifically designed for sidewalk traffic.

(19) **SIGN, SPECIAL EVENTS, TEMPORARY.** A sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund raisers, festivals and other limited term events of more than 24 hours.

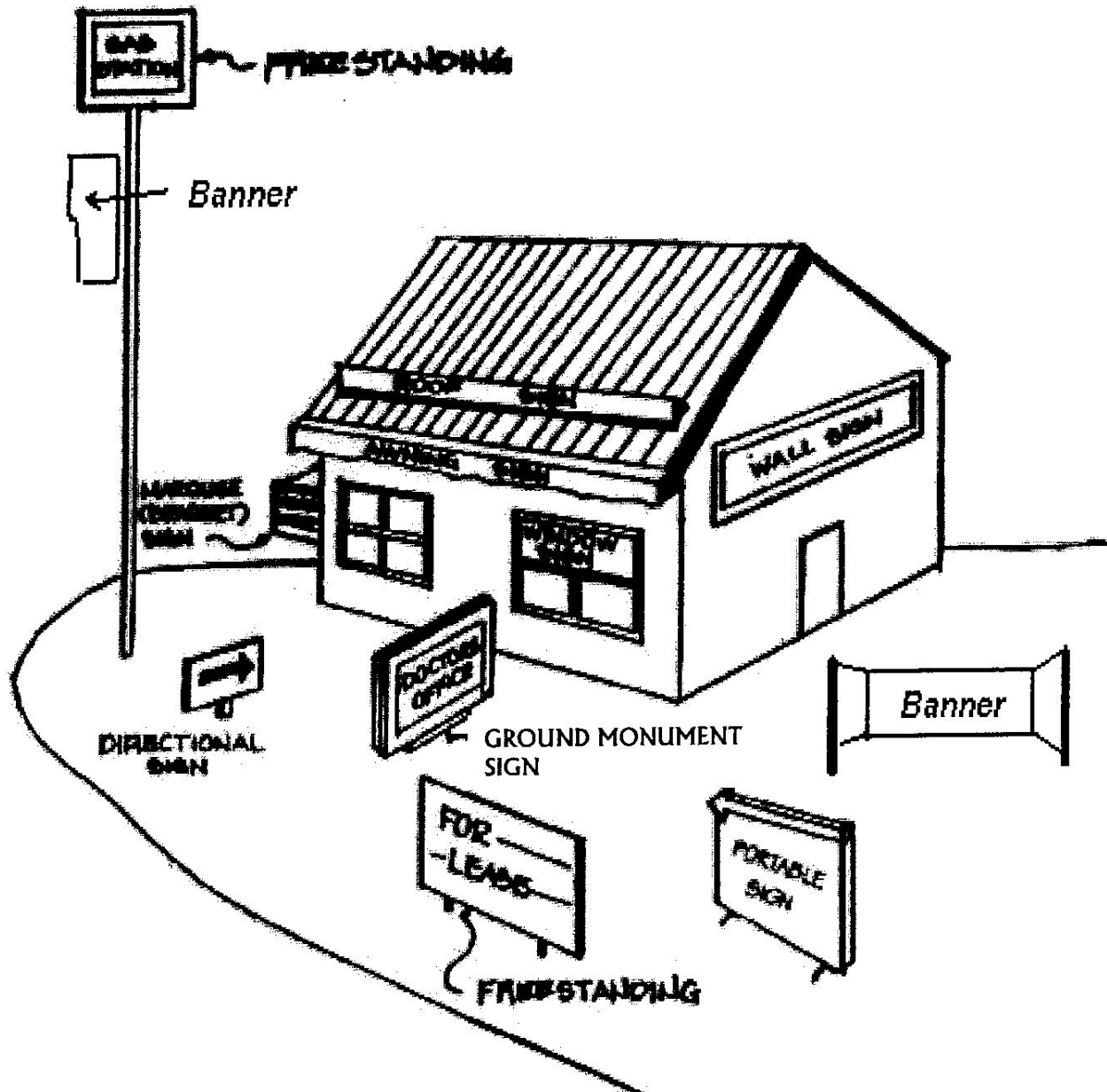
(20) **SIGN, WALL.** A sign attached to, painted upon, placed against or supported by the exterior surface of any building. (See Figure 1 below).

(21) **SIGN, WINDOW.** A sign painted, stenciled or affixed on a window, which is visible from a right-of-way (See Figure 1 below).

**WETLAND.** Land that, based on soils and vegetation, has been classified as **WETLAND** by a government agency.

**ZONES AND DISTRICTS.** References to **ZONES AND DISTRICTS** are those districts defined in the Village Zoning Ordinances. The **CENTRAL BUSINESS DISTRICT** is defined as that area of Michigan Avenue between Brown Street on the East to Clark Street on the West. (Ord. 39, passed 1-19-2010)

# VARIOUS TYPES OF SIGNS



### § 152.03 SIGNS AUTHORIZED WITHOUT A PERMIT.

Subject to other applicable requirements and permits, the following signs are authorized without a sign permit:

(A) *Small sign.* One sign per property, not illuminated, and not exceeding three square feet in area is allowed without a permit. Warning signs such as “No Trespass” or “Beware of Dog” are not limited to one per property but are limited to no more than two small signs in any 500 linear feet on the property. If the small sign has a temporary message, e.g., “Home for Sale”, “garage sale”, “yard sale”, “estate sale” and similar messages, the area shall not exceed six square feet. No small sign may exceed a height of 42 inches above ground level and only one like sign is permitted for each property. These signs may carry any lawful message. Historical markers, cemetery stones and house numbers are to be excluded from the square footage requirements;

(B) *Governmental signs.* Governmental signs do not require a permit;

(C) *Directional signs.* Directional signs do not require a permit, however:

(1) Only one entrance/exit directional sign is allowed per legal driveway; and

(2) A directional sign may not exceed two square feet and may be illuminated.

(D) *Flags.* Flags bearing the official design of a nation, state, municipality, educational institution, service organization, manufacturers or company logo do not need a permit provided that the flagpoles to which they are attached do not exceed 30 feet in height. The Department, in its discretion, may require large or numerous flags to be subject to the ordinance;

(E) *Political signs.* Political signs advocating or opposing candidates for public office or issue (referendum) to be determined by election may be erected 60 days prior to an election subject to the following conditions:

(1) The signs shall be erected only on private property and not in the public rights-of-way;

(2) Signs cannot be placed in the vision triangle on a corner lot;

(3) The sign shall be no greater than six square feet in area in the R-1, R-2, RM-1, LS, CM, MA, WS, USG and OS-1 Districts and 32 square feet in area in the GC and LI districts;

(4) All the signs shall be removed 48 hours following Election Day, with removal responsibility held by the property owner; and

(5) All those signs must be no less than 100 feet from any entrance to a building in which a polling place is located.

(F) *Real estate signs.* One sign is permitted advertising the sale or lease of the lot or building on the lot in residential zones not exceeding six square feet in area. The sign shall be removed within ten days after the sale or closing of the property or building has occurred. One similar sign is permitted advertising the sale or lease of a lot or building on the lot in a commercial or industrial zone, however, the sign may be increased in size if the area of the lot is more than 30,000 square feet, but is limited to a maximum of 32 square feet. The following temporary real estate sign regulations also apply:

(1) Temporary portable real estate directional signs, not exceeding three square feet in area and four in number, delineating an “Open House” and/or showing a directional arrow are permitted on approach routes to an open house, only for the day of the open house;

(2) One on-site temporary sign identifying the builder(s)/contractor(s) on any building/renovation site, shall be limited to 32 square feet and provide space for all contractors/sub-contractors and financial institutions where applicable. Individual site signs by every contractor involved are prohibited. The sign shall be removed when the construction/renovation is complete and listed for sale or occupied. Similarly, repair and maintenance contractors are allowed the placement of a temporary sign of six square feet on any site where repair or maintenance services are underway, but must be removed when those services are complete; and

(3) One on-site temporary sign advertising a recorded subdivision or development not to exceed 32 square feet in area. The sign shall be removed after the sale of 90% of all lots or units within said subdivision or development.

(G) *Warning signs.* Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger and explosives are permitted. Warning signs may not exceed three square feet;

(H) *Historical, cultural and natural site signs.* A sign erected by a government agency, which exclusively denotes a recognized historical, cultural or natural site is permitted. This sign shall not exceed three square feet, unless otherwise provided by state or federal law. Also included are signs that, by their construction materials, unusual age, prominent location, unique design or craftsmanship from another period makes a contribution to the cultural, historic or aesthetic quality of the village’s streetscape. The signs include ghost signs and signs at least 50 years old which may no longer be advertising a current business activity;

(I) *Special events and banners.* Temporary signs announcing public, charitable, educational or religious functions or events can be erected 21 days before the event subject to the following conditions:

(1) The signs shall be erected only on private property, not in the public rights-of way, with the exception of those approved by the Village Council and erected by the Village Department of Public Works;

(2) The signs cannot be placed in the vision triangle on a corner lot;

(3) The sign shall be no greater than six square feet in area in the R-1, R-2, RM-1, LS, CM, MA, WS, USG and OS-1 Districts and 32 square feet in area in the GC, CBD, LI Districts and on religious, educational and registered non-profit properties; and

(4) All the signs shall be removed within 48 hours following the event.

(J) *Window signs.* Window signs may be placed inside the window areas of buildings in commercial or retail zones and are limited to those windows that abut the street and relate to the appropriate floor level. The sign area may not exceed 25% of the area of the window. Temporary notices of time-bound events (specific sales, community festivals and the like) are exempt from these window-sign standards.

(Ord. 39, passed 1-19-2010)

#### § 152.04 SIGNS AUTHORIZED WITH A PERMIT.

The Department shall issue a permit for signs in accordance with the following provisions.

(A) *Commercial/retail/industrial/manufacturing wall and ground signs.* One wall sign and one freestanding ground sign, or freestanding monument sign are permitted for each commercial/retail/industrial/manufacturing property. These signs shall not exceed 10% of the area of the front face of the building on a property, or 100 square feet, whichever is less. A freestanding ground sign may not exceed a height of 15 feet above the uniform finished grade to the top of the sign face, and must clear nine feet to the bottom of the sign face. Freestanding monument signs may not exceed six feet in height from uniform finished grade to the top of the sign face. Unless more restrictive zoning applies, setbacks of ground signs from property lines shall be at least equal to the height of the sign. Message boards may be applied to any freestanding ground sign or freestanding monument sign, however, the total area for a message board will reduce the total area of the signage by 50%. Similarly, gasoline service station price signs may be applied, however, the total area for a gasoline price sign will reduce the total area of signage by 50%.

(B) *Multiple tenants, commercial/retail/industrial/manufacturing.* One freestanding ground sign may be provided for multiple tenant buildings in the General Commercial and Light Industrial zones and shall not exceed one square foot of sign area per one lineal foot of building frontage per tenant. These signs shall not exceed 200 square feet. Each tenant may also apply a wall sign for their business identification on the building to a maximum of 32 square feet. In addition, multiple-tenant buildings shall be permitted one wall directory sign, intended to identify all of the building occupants. The total area of the directory sign shall not exceed 12 square feet, with each tenant limited to one square foot. This sign shall be non-illuminated and shall be mounted on the entrance door or on the wall next to the entrance. Message boards may not be included as part of the signage on multiple tenant properties.

(C) *Central Business District.* Within the Central Business District, signs are intended to promote the pedestrian scale, and to ensure the visual consistency between signs and the historic character of the district. No sign shall be erected in the Central Business District in any manner that will obstruct any architectural details of a building. One projecting sign may be permitted for each first-floor business within the Central Business District. The projecting sign may be a maximum of 12 square feet in area (each side) and shall be included in the total amount of signs permitted for the subject building. Changeable copy shall not be permitted as a part of projecting signs. Projecting signs must provide a clear distance of nine feet from the sidewalk, driveway or parking lot to the bottom edge of the sign. Projecting signs may extend over abutting sidewalks, but shall not extend over public or private roadways, or parking areas unless approved by the Department as a part of the sign permit. The leading edge of a projecting sign shall not extend more than four feet from the face of the building that it is attached to. The maximum height of a projecting sign shall be 15 feet from the sidewalk to the highest part of the sign. Building signs are not permitted above the first floor, however, signs are permitted in the second story windows only subject to the provisions of § 152.03(J) above.

(D) *Marquee, awning and canopy signs.* Marquee, awning and canopy signs may be applied throughout the Central Business District and the Commercial/Retail/Industrial Districts and must be applied over doorways or windows. Awning signs and awnings shall be limited to three colors with black and white defined as colors. Awnings with graphics will be considered an awning sign and may not exceed the allowable square footage for signage. Marquee, awning and canopy signs may be substituted in whole or part for permitted wall signs. The total square footage of marquee signs shall be deducted from the total permitted square footage of total wall sign area. Freestanding ground signs, freestanding monument signs and message boards are not permitted in the Central Business District.



(E) *Office wall or ground signs.* One wall sign or one ground sign is permitted for each office property. These signs shall not exceed 10% of the area of the front face of the building on the property, or 56 square feet, whichever is less. A ground sign may not exceed a height of five feet above the uniform finished grade. Unless more restrictive zoning applies, ground sign setbacks shall be at least equal to the height of the sign.

(F) *Sandwich boards.* The village provides businesses an opportunity to provide high quality creative signage, which expresses the unique character of a business or building and sales taking place inside the building. Those signs shall be designed and constructed so as to promote and not visually obscure the significant architectural components of a building in the Central Business District only. The following regulations apply to sandwich boards.

(1) *Size.* Maximum height shall be three feet. Maximum width shall be two feet.

(2) *Location.* Sandwich boards shall be placed directly in front of a building, or within six inches of the building in which they are intended to serve. One sandwich board sign will be permitted per building. Sandwich boards are only permitted when a five-foot wide path can be maintained on the sidewalk. Where a building does not abut the sidewalk, and has grass area available, the sandwich board should be placed behind the sidewalk, or behind the right-of-way line of the street.

(3) *Hours.* Signs may be located on the sidewalk during the hours of operation only. Sandwich boards shall not be left on the sidewalk or outside overnight. Failure to remove a sandwich board will result in confiscation and all legal remedies provided for in § 152.11(C)(7) below.

(4) *Materials/design.* Business owners will be free to design high quality creations with minimum restrictions, encouraging hand painted, carved and unique signage on a flat surface. Sandwich board signage is encouraged to be visually consistent with the historic village and is intended to promote the pedestrian scale. Sturdy material such as finished wood (no plywood), metal or chalkboard is encouraged. Sandwich boards must be self-supporting, stable and capable of withstanding occasional bumping or strong winds. It is the responsibility of the sign owner to remove the sign during inclement weather. The village accepts no liability for any injury or damage caused by a sidewalk sign and business owners are required to furnish a general liability insurance naming the village as an additionally named insured, and must be submitted along with the permit application for a permit.

(5) *Illumination.* Illumination is prohibited.

(6) *Maintenance.* All sandwich boards shall be kept in good condition.

(7) *Permitting/review.* All sandwich boards require annual submission of an application and issuance of a permit, and shall require review in the case of a change in business ownership. Application and permit fees to be established by the Village Council.

(G) *Residential neighborhood identification signs.*

(1) A residential neighborhood (single-family subdivision, multiple-family housing development and the like) is permitted to have one residential neighborhood identification sign for each entrance street. The signs shall not extend into any public right-of-way. The face of the sign shall not exceed 32 square feet. The area of the structural supporting elements shall not exceed 50% of the area of the message portion of the sign. The height of the sign may not exceed five feet above the uniform finished grade.

(2) Non-dwelling use signs: a non-dwelling use in a residential area, such as a school, a religious facility, an institutional use, a clubhouse and the like, is permitted to have one ground sign and one wall sign, neither of which shall exceed 32 square feet in area. The area of the structural elements supporting a ground sign shall not exceed 50% of the area of the message portion of the sign. The height of a ground sign may not exceed eight feet above uniform finished grade. The signage may include message boards but will reduce the total signage at each site by 50%.

(3) Home occupation signs: one on-site sign announcing a home business, boarding home, owner-occupied bed and breakfast establishment, day care facility or funeral home (in R-2 and RM-1 and MA districts only) with a maximum area of six square feet. The sign shall be placed flat against the building, hung from a porch, displayed in a window, or placed in the ground parallel to the front of the dwelling within ten feet of the front of the dwelling. Ground signs shall not exceed three feet in height.

(H) *Special event signs.* Signs/banners to be used on a temporary basis for a business event or promotion sponsored by a business organization are permitted 21 days before the event at a maximum of three like events during a calendar year for any one business, (i.e., grand opening, sale event, coming soon, special sales, signs/banners and the like). Those signs/banners are subject to the following regulations:

(1) The signs shall be erected only on private property, not in the public right-of-way;

(2) The signs cannot be placed in the vision triangle on a corner lot;

(3) The sign shall be no greater than three feet by eight feet, or 24 square feet, and are permitted only in the commercial districts with those permitted in the residential districts at the discretion of the Department;

(4) For the first event for the calendar year the business owner shall apply for, obtain and pay for a sign permit prior to installation. For the second and third events of the year the business owner shall apply for a permit to be reviewed and approved by the Department within 48 hours. No permit fees will be charged for these events; and

(5) All the signs shall be removed within 48 hours following the event. If the display period after the application is made is less than 21 days, then the display period is reduced accordingly to whatever time remains.

(Ord. 39, passed 1-19-2010)

## **§ 152.05 SIGN PERMIT REQUIREMENTS.**

(A) *Enforcement.* The Department shall administer and enforce this chapter.

(B) *Permit.* A permit is not required for “signs authorized without a permit”. A permit must be obtained from the Department for all other existing and new signs. Owners of existing signs that require a permit under this chapter shall apply for a permit within 90 days of the effective date of the ordinance.

(C) *Application.* Applications for sign permits shall be made upon a form provided by the Department for this purpose. The application shall contain the following information:

(1) Name, address, telephone and if available, fax and e-mail, of the person applying for the permit;

(2) Name, address, telephone and if available, fax and e-mail, of the person owning the parcel upon which the sign is proposed to be placed;

(3) Location of the building, structure and property on which the sign is or will be attached or erected;

(4) Position of the sign in relation to nearby buildings, structures, property lines, existing or proposed rights-of-way, ordinary high-water marks of waterways, and the setback of applicable zoning ordinances;

(5) Two copies of the plans and specifications. The method of construction and/or attachment to a building or in the ground shall be explained in the plans and specifications;

(6) Copy of stress sheets and calculations, if deemed necessary by the Department, showing the structure as designed for dead load and wind pressure;

(7) Name, address, telephone and if available, fax and e-mail of the person who has erected, or will be erecting, the sign;

(8) Insurance policy as required by this chapter;

(9) Other information as the Department may require to show compliance with this chapter, and any other applicable laws and ordinances, including the time frame for all temporary signs or banners as provided for in § 152.04(H) above (i.e. 21-day time period);

(10) The seal or certificate of a registered structural or civil engineer, when required by the Department;

(11) The zoning district in which the sign is to be placed; and

(12) A statement that: "Any change in the information on this application, such as change of address, shall be submitted to the Department within seven days after the change".

(D) *Insurance certificates.* The applicant for a sign permit may be required by the Department to furnish a certificate of insurance providing public liability and property damage insurance which covers the installation and maintenance of any sign.

(E) *Permit fees.* Permit fees for signs shall be established by the governing body of this municipality. The permit fees must relate to the cost of issuing the permit and may vary based on the size, type and height of the signs.

(F) *False information.* A person providing false information under this chapter shall be guilty of a misdemeanor and not eligible to apply for a permit under this chapter for 12 months from the date the Department determines false information was presented.  
(Ord. 39, passed 1-19-2010)

## **§ 152.06 PROHIBITED SIGNS.**

Signs that are not expressly listed as permitted in this chapter are prohibited. The following limitations, obligations and prohibitions apply to all signs:

(A) Any sign, for which a permit has not been issued and which is not a “Sign Authorized Without a Permit” is prohibited;

(B) Roof signs are prohibited;

(C) Inflatable signs and tethered balloons are prohibited;

(D) No portion of a privately-owned sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street, sidewalk or waterway), or a proposed public right-of-way, except those projecting signs permitted by § 152.04(A) above;

(E) Cutting or killing vegetation growing on public rights-of-way (or below the ordinary high-water mark of navigable streams) to enhance visibility of a sign is prohibited;

(F) Signs which imitate traffic signals, traffic direction signs or similar traffic control devices are prohibited;

(G) Merchandise signs advertising all manner of product inside the business establishment, whether manufactured, or available for retail are prohibited for installation outside the building, either on the building or light poles, with the exception of merchandise advertising that may be a part of a special event banner or temporary sign provided for in § 152.04(F) and (G) above;

(H) A revolving sign or sign containing flashing, intermittent and moving or revolving parts or text are prohibited;

(I) A sign (other than a traffic sign installed by a governmental entity) shall not simulate or imitate the size, lettering or design of any traffic sign in a manner so as to mislead or confuse the public;

(J) Any sign on a motor vehicle, trailer, farm implement or other mobile equipment, which is parked in a position visible to traffic on a public road, waterway or parking area for a period longer than six days in a 60-day period, is prohibited. However, signs permanently painted, magnetic attached or otherwise displayed upon a vehicle, licensed and operating on the public streets and highways identifying the owner’s occupation, livelihood or employment shall be permitted;

(K) Signs shall not be placed so as to obstruct the visibility of pedestrians and motorists at intersections and driveways;

(L) Permanently affixed or temporary off premise signs and billboards are prohibited, with the exception of those special events and temporary banners and signs provided for in § 152.03(I) above; and

(M) The following signs are expressly prohibited:

(1) Signs affixed to trees, rocks, shrubs or similar natural features and signs affixed to light poles, utility poles or other supporting members in the right-of-way;

(2) Any sign or sign structure which is structurally unsafe, and constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation and abandonment or is not kept in good repair as defined in § 152.02(I)(1) above; and

(3) Any sign or other advertising structure containing any obscene, indecent or immoral matter.  
(Ord. 39, passed 1-19-2010)

## **§ 152.07 CONSTRUCTION REQUIREMENTS.**

(A) *Codes.* All signs shall conform to the latest edition of the applicable building and electrical codes.

(B) *Fastenings.* All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted and free of corrosion.

(C) *Fire escapes.* A sign may not obstruct a fire escape.

(D) *Lighting and illumination.* Illuminated signs shall be illuminated under the following guidelines:

(1) No sign shall be illuminated by other than electrical means and all wiring shall satisfy State Electrical Codes;

(2) The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or onto abutting public streets; and

(3) Illumination from all signs shall not exceed 3.0 foot candles at a distance of 15 feet from the sign whether elevated or at ground level.

(E) *Identification.* All signs for which a permit is required, and applied for, shall identify the name and operating telephone number of the person responsible for the sign on the permit application.

(F) *Proximity to electrical conductors.* Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No sign, including cables and supports, shall, in any event, be within six feet of any electrical conductor, electrical light pole, electric street lamp, traffic light or other public utility pole.

(G) *Sanitation.* Property surrounding any ground sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish and flammable material.

(H) *Landscaping.* The area beneath and around a sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

(I) *Height and setbacks.* Unless otherwise specifically stated, freestanding signs shall be set back a distance equal to the height of sign. Freestanding signs shall be set back a minimum of ten feet in the GC and OS-1 districts. Freestanding signs shall not exceed 15 feet to the top of the sign face and shall clear a minimum of eight feet in height to the bottom of the sign face.

(J) *Computation of area.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of the structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when the fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself. Where a sign has two or more faces, the area of all faces shall be included in determining the total area of the sign.

(K) *Computation of height.*

(1) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(a) Existing grade prior to construction; or

(b) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

(2) In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

(L) *Responsibility for compliance.* The owner of the property on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.  
(Ord. 39, passed 1-19-2010)

## **§ 152.08 PREVIOUSLY EXISTING SIGNS.**

(A) *Intent.* This chapter is intended to encourage the eventual elimination of signs which do not comply with this chapter. The elimination of previously existing signs which are not in compliance with the ordinance is important to the purpose stated in § 152.02 above. However, it is also the intent of this chapter to avoid unreasonable invasion of property rights while accomplishing the ultimate elimination of preexisting signs which do not conform to the requirements of this chapter.

(B) *Compliance.* A sign not complying with this chapter, but in place on the effective date of this chapter, shall be brought into compliance with this chapter, if it is practical to do so, as determined by the owner of the sign.

(C) *Continuance.* A nonconforming sign may be continued if it is maintained in good condition.

(1) It shall not, however, be replaced by another non-conforming sign.

(2) It may not be structurally altered, or modified, except to bring it into conformance with current regulations.

(3) It may not be reestablished after damage or destruction if the Department determines that

the estimated cost of repair exceeds 50% of the estimated replacement cost. However, it may be replaced if intentionally damaged or destroyed by person(s) who are proven to be unconnected to the owner(s) of the sign.

(D) *Nuisance.*

(1) An unsafe or abandoned sign is declared a public nuisance, which shall be abated by the owner within ten days of receiving notice from the Department.

(2) After 15 days the sign may be removed by the Department, and the cost of the removal shall be paid by the owner of the property on which the sign is located.

(3) If payment is not remitted within 30 days of the submission of an invoice, the unpaid cost may be added to the tax bill applying to the property on which the sign is located and collected in the same manner as are other ad valorem taxes.

(Ord. 39, passed 1-19-2010)

**§ 152.09 APPEALS.**

(A) Appeals from a determination of the Department may be made in writing directly to the Village Council, which shall hear the appeal within 60 days.

(B) An application for appeal stays all removal orders until the Village Council renders its decision.

(C) Relief may be granted if all of the following criteria are fulfilled:

(1) The circumstance is not of the applicant's making;

(2) The applicant's request is a result of unusual site conditions;

(3) The applicant's request would not create a detriment to the neighborhood or reduce property value;

(4) The applicant's request is consistent with the spirit and intent of this chapter; and

(5) Without relief, the applicant would experience a hardship and/or practical difficulty which would make strict compliance unreasonable and burdensome.

(Ord. 39, passed 1-19-2010)

**§ 152.10 FIRST AMENDMENT PROTECTION.**

Any sign allowed under this chapter may contain, in lieu of any other text, any otherwise lawful noncommercial message that does not direct attention to a business operated for a profit or to a commodity or service for sale and that complies with all other provisions of this chapter including the specific provisions for signage in the land-use category on which the sign is placed.

(Ord. 39, passed 1-19-2010)

**§ 152.11 ADMINISTRATION.**

(A) *Administration.* The Village Council shall appoint by resolution personnel to administer and enforce the terms and conditions of this chapter and all other provisions relating to signs.

(B) *Enforcement.*

(1) The Department shall issue permits as required by this chapter.

(2) The Department shall also ensure signs comply with this chapter and any other applicable law.

(3) The Department shall also enforce the requirement that all signs properly comply with this chapter by procuring a permit.

(4) The Department shall make inspections as may be necessary and shall initiate appropriate action to enforce compliance with this chapter and other applicable laws.

(C) *Department powers.* The Department shall have the power and authority to administer and enforce this chapter. Including among those powers are the following specific powers.

(1) Every sign for which a permit is required shall be subject to the inspection and approval of the Department, including verification of the use of the property, and thus the standards that apply to signage. When deemed advisable, a sign may be inspected at the point of manufacture.

(2) Upon presentation of proper identification to the sign owner or owner's agent, the Department may enter the sign area for purposes of inspecting the sign, sign structure and any fasteners securing the sign to a building or support.

(a) In cases of emergency, where imminent hazards to persons or property are known to exist, and where the sign owner, or owner's agent, is not readily available, the Department may enter the sign area for purposes of inspection or remediation.

(b) When on private property, the Department shall observe rules and regulations concerning safety, internal security and fire protection, if the Department is denied admission to inspect any sign, inspection shall be made only under authority of a warrant issued by a court of proper jurisdiction.

(c) When applying for the warrant, the Department shall submit an affidavit setting forth a belief that a violation of this chapter exists with respect to a particular sign, and the reasons for forming this belief.

(d) The affidavit shall designate the place and name of the person believed to own or possess the sign.

(e) If the court finds probable cause exists for the search of the sign, and supporting structures, then a warrant authorizing the search shall be issued.

(f) The warrant shall describe the property with sufficient certainty to identify the same.

(g) The warrant shall constitute authority for the Department to enter the sign area and to inspect the property.



(3) Upon issuance of a stop order from the Department, work on any sign that is being conducted in any manner contrary to this chapter shall be immediately stopped. This notice and order shall be in writing and shall be given to the owner of the property, the sign owner or to the person performing the work. The stop order shall state the conditions under which work may be resumed.

(4) The Department has the authority to deny or revoke any permit authorized by this chapter if the sign violates this chapter or another law, provided that the Department shall offer the sign owner an opportunity to be heard.

(a) The person whose permit is under consideration shall be given at least ten-days' written notice of the time, place and reason for the hearing.

(b) The sign owner and/or person identified in the permit shall be permitted to present relevant facts and legal argument concerning the pending permit denial or permit revocation.

(c) Following this hearing, the Department shall consider the merits of the case and shall present a written decision.

(5) If the Department has determined that a violation has occurred, the owner shall have ten days to bring the sign into compliance or remove the sign. If, however, the Department believes the health, safety or welfare of the citizens is endangered by any violation of this chapter, the Department may immediately revoke any sign permit.

(6) A sign installed after the effective date of this chapter, and not conforming to this chapter, shall be removed by the owner. The sign owner shall not be entitled to compensation for the sign removal and shall reimburse the Department for any cost incurred in connection with the removal.

(7) Any person violating any provisions of this chapter shall be guilty of a misdemeanor. Each day, subsequent to the ten-day period allowed for corrective action, shall constitute a separate violation. In addition, the village attorney is authorized to apply to a court of competent jurisdiction for the relief, either legal or equitable, or both, as is appropriate in order to ensure compliance with this chapter.

(Ord. 39, passed 1-19-2010)

## CHAPTER 153: LAND DIVISION

### Section

- 153.01 Title
- 153.02 Purpose
- 153.03 Definitions
- 153.04 Prior approval requirement for land division
- 153.05 Application for land division approval
- 153.06 Procedure for review of applications for land division approval
- 153.07 Standards for approval of land divisions
- 153.08 Consequences of noncompliance with land division approval
  
- 153.99 Penalty

### § 153.01 TITLE.

This chapter shall be known and cited as the “Village of Grass Lake Land Division Ordinance”.  
(Ord. 28, passed 10-20-1997)

### § 153.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and the Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the village by establishing reasonable standards for prior review and approval of land divisions within the village.  
(Ord. 28, passed 10-20-1997)

### § 153.03 DEFINITIONS.

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

**APPLICANT.** A natural person, firm, association, partnership, corporation or combination of any of them that holds ownership interest in the land whether recorded or not.

***DIVIDED*** or ***DIVISION***. 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 satisfies the requirements of M.C.L.A. §§ 560.108 and 560.109 of the State Land Division Act.

***EXEMPT SPLIT*** or ***EXEMPT DIVISION***. 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, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

***FORTY ACRES OR EQUIVALENT***. Either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

***GOVERNING BODY***. The legislative body of the Village of Grass Lake (The Village Council).  
(Ord. 28, passed 10-20-1997)

#### **§ 153.04 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISION.**

Land in the village shall not be divided without the prior review and approval of the Village Zoning Administrator, or other official designated by the governing body, in accordance with this chapter and the State Land Division Act; provided that the following shall be exempted from this requirement:

(A) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act;

(B) A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act; and

(C) An exempt split as defined in this chapter.  
(Ord. 28, passed 10-20-1997)

#### **§ 153.05 APPLICATION FOR LAND DIVISION APPROVAL.**

(A) An applicant shall file all of the following with the Village Clerk for review and approval by the Village Zoning Administrator of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- (1) A completed application form on such form as may be provided by the village;
- (2) Proof of fee ownership of the land proposed to be divided;

(3) A tentative parcel map of the land proposed to be divided, prepared pursuant to the survey map requirements of Public Act 132 of 1970, being M.C.L.A. § 54.211, as amended, by a land surveyor licensed by the state, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads;

(4) Proof that all standards of the State Land Division Act and this chapter have been met;

(5) If the transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer;

(B) Unless a division created a parcel which is acknowledged and declared to be “not buildable” under § 153.08 below, all divisions shall result in “buildable” parcels containing sufficient “buildable” area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and the maximum allowed area coverage of buildings and structures on the site; and

(C) The fee as may from time to time be established by resolution of the Village Council for land division reviews pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the State Land Division Act.  
(Ord. 28, passed 10-20-1997)

### **§ 153.06 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL.**

(A) Upon receipt of a land division application package, the Village Clerk shall forthwith submit the same to the Village Zoning Administrator for a review and decision. The Zoning Administrator shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 45 days after receipt of the application package conforming to this chapter’s requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to this chapter requirements and the State Land Division Act, the Zoning Administrator shall return the same to the applicant for completion and refiling in accordance with this chapter and the State Land Division Act.

(B) Any person or entity aggrieved by the decision of the Zoning Administrator may, within 30 days of the decision, appeal the decision to the Village Council which shall consider and resolve the appeal by a majority vote at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of the meeting and appellate hearing.

(C) The Village Clerk shall maintain an official record of all approved and accomplished land divisions or transfers.

(D) The village and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to

this effect.  
(Ord. 28, passed 10-20-1997)

### **§ 153.07 STANDARDS FOR APPROVAL OF LAND DIVISIONS.**

(A) A proposed land division shall be approved if the following criteria are met:

(1) All the parcels to be created by the proposed land division(s) fully comply with the applicable lot yard and area requirements of the Village Zoning Ordinance, including, but not limited to, minimum lot frontage/width, minimum road frontage, minimum lot area, and maximum lot coverage and minimum setbacks for existing buildings/structures;

(2) The proposed land division(s) comply with all requirements of the State Land Division Act and this chapter;

(3) All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the Village Zoning Ordinance, the Village Private Road Ordinance or this chapter. In determining adequacy of accessibility, an ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four or more parcels; and

(4) The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements or non-buildable parcels created under § 153.08 below and parcels added to contiguous parcels that result in all involved parcels complying with the ratio.

(B) The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right of way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The permissible minimum width shall be as defined in the Village Zoning Ordinance for the zone in which the division is proposed.

(Ord. 28, passed 10-20-1997)

### **§ 153.08 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL.**

(A) Any parcel created in noncompliance with this chapter shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this chapter shall subject the violator to the penalties and enforcement actions set forth in § 153.99, and as may otherwise be provided by law.

(B) The village shall further have the authority to initiate injunctive and other relief to prevent any violation or continuance of any violation of this chapter.

(C) Any unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.  
(Ord. 28, passed 10-20-1997)

**§ 153.99 PENALTY.**

(A) Any division of land in violation of any provision of this chapter shall not be recognized as a land division on the village tax roll or assessment roll until the assessing officer refers the suspected violation or potential nonconformity to the County Prosecuting Attorney and gives written notice of the referral to the person requesting the division and the person suspected of the violation or potential nonconformity. In addition, the assessing officer shall give written notice of the suspected violation or potential nonconformity to the Department of Consumer and Industry Services. The village shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter. Any division of land violation of this chapter shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

(B) In addition, any person, firm or corporation who violates any provisions of this chapter shall be deemed to be responsible for a municipal civil infraction as defined by state statute, which shall be punishable by a civil fine of not more than \$500, along with costs that may include all expenses, direct and indirect, that the village has incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator of this chapter shall also be subject to additional sanctions and judicial orders as authorized under state law.

(C) Pursuant to § 267 of the Land Division Act (M.C.L.A. § 560.267), an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action of law.  
(Ord. 28, passed 10-20-1997; Ord. 98-1, passed 7-6-1998)

## **CHAPTER 154: ZONING CODE**

### Section

154.01 Adoption by reference

#### **§ 154.01 ADOPTION BY REFERENCE.**

The Zoning Ordinance is hereby adopted by reference, and incorporated as fully as if set out at length herein.  
(Ord. passed - -)

