

# **Village of Grass Lake Zoning Ordinance**

## **Chapter 154: Zoning of the Code of Ordinances**

### **Zoning Ordinance Amendments**

As Adopted by the Grass Lake Village Council  
on August 5, 2025

#### Key:

Text proposed to be added

~~Text proposed to be deleted~~

## CHAPTER 154: ZONING CODE

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## **GENERAL PROVISIONS**

### **§ 154.001 ENACTING CLAUSE.**

A chapter adopted under the authority of, and in accordance with, the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, being MCL 125.3101 et seq., to establish comprehensive zoning regulations for the village and to provide for the administration, enforcement and amendment thereof and the repeal of all ordinances in conflict herewith.

(Ord. passed 6-18-1991, § 1.1)

### **§ 154.002 TITLE.**

This chapter shall be known and may be cited as the “Zoning Ordinance of the Village of Grass Lake.” The zoning map referred to herein is entitled “Zoning Map, Village of Grass Lake.”

(Ord. passed 6-18-1991 , § 1.2)

### **§ 154.003 PURPOSE.**

This chapter has been established for the purpose of:

- (A) Promoting and protecting the public health, safety and general welfare;
- (B) Protecting the character and stability of the agricultural, recreational, residential, commercial and industrial areas and promoting the orderly and beneficial development of such areas;
- (C) Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces, surrounding buildings and structures necessary to provide adequate light, air and privacy to protect the public health;
- (D) Lessening and avoiding congestion on public highways and streets;
- (E) Providing for the needs of agriculture, recreation, residence, commerce and industry in future growth to conform with the most advantageous uses of land, resources and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building and population development, as studied and recommended by the Planning Commission and the village;



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

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

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

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

(J) Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

(Ord. passed 6-18-1991 , § 1.3)

#### **§ 154.004 SCOPE.**

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

(B) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter, provided that construction shall be completed within 365 days of such effective date and be subject thereafter to the provisions of §§ 154.020 to 154.026 of this code.

(C) The adoption of this chapter shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this chapter even though such building or structure does not conform to the provisions of this chapter, provided that work shall commence and be carried on within 30 days of obtaining such permit and be subject thereafter to the provisions of §§ 154.020 to 154.026 of this code.

(Ord. passed 6-18-1991 , § 2.1)

#### **§ 154.005 DEFINITIONS.**

(A) For the purpose of this chapter, certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future, the words used in the

singular number include the plural number and in the plural, the singular. The word SHALL is always mandatory and not merely suggestive. The word PERSON includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words USED or OCCUPIED include the words “intended,” “designed” or “arranged” to be used or occupied. Any words not herein defined shall be construed as defined in the Housing Law of Michigan, being Public Act 167 of 1917, MCL 125.401 et seq., as amended.

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

**ACCESSORY STRUCTURE.** A subordinate structure detached from, but located on the same lot as, the principal structure, the use of which is incidental and accessory to that of the principal structure.

**ACCESSORY USE.** A structure or use that:

- (a) Is clearly incidental to and customarily found in connection with a principal building or use;
- (b) Is subordinate to and serves a principal building or a principal use;
- (c) Is subordinate in area, extent or purpose to the principal building or principal use served;
- (d) Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served; and
- (e) Is located on the same lot as the principal building or use served.

**ADULT FOSTER CARE FACILITY.** A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An ADULT FOSTER CARE FACILITY does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility or any other facilities which have been exempted from the definition of ADULT FOSTER CARE FACILITY by the Adult Foster Care Facility Licensing Act, being Act 218 of 1979, MCL 400.701 et seq., as amended. The following additional definitions shall apply in the application of this chapter.

(a) **ADULT FOSTER CARE CONGREGATE FACILITY.** An adult foster care facility with the approved capacity to receive more than 20 adults, to be provided supervision, personal care and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks.

(b) **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six or fewer adults, to be provided with supervision, personal care and protection in addition to room and board, for 24 hours a day, five or more days a week, and

for two or more consecutive weeks. The ADULT FOSTER CARE FAMILY HOME LICENSEE shall be a member of the household and an occupant of the residence.

(c) ADULT FOSTER CARE LARGE GROUP HOME. An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults, to be provided supervision, personal care and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks.

(d) ADULT FOSTER CARE SMALL GROUP HOME. An adult foster care facility with the approved capacity to receive 12 or fewer adults, to be provided supervision, personal care and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks.

ADULT USES. The definition of ADULT USES specifies the following types of establishments.

(a) ADULT BOOKSTORE. An establishment that has as a substantial portion of its stock and trade and offers for sale, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations, that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

2. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

(b) ADULT CABARET. A nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(c) ADULT MOTION PICTURE THEATER. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

(d) ADULT THEATER. A theater, concert hall, auditorium or similar establishment characterized by activities featuring the exposure of specified sexual activities or specified anatomical areas.

(e) MASSAGE PARLOR. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is

administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as a secondary or accessory service.

(f) SPECIFIED ANATOMICAL AREAS. As used herein, means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(g) SPECIFIED SEXUAL ACTIVITIES. As used herein, means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of, or in connection with, any of the activities set forth in divisions (g)(1) to (g)(3) above.

#### ALCOHOL MANUFACTURING FACILITIES.

(a) BREWERY. A facility that is licensed by the state's Liquor Control Commission to manufacture and sell to licensed wholesalers beer produced by it.

(b) BREWPUB. An establishment with a license issued in conjunction with a Class C, tavern, Class A hotel, or Class B hotel license by the state that authorizes the person licensed with the Class C, tavern, Class A hotel or Class B hotel to manufacture and brew not more than 5,000 barrels of beer per calendar year in the state and to sell at those licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in §§ 405 and 407 of the Michigan Liquor Control Code of 1998, being Public Act 58 of 1998, MCL 436.1405 and 436.1407.

(c) DISTILLERY. A facility that is licensed by the state's Liquor Control Commission to manufacture and sell spirits or alcohol, or both, of any kind.

(d) MICROBREWERY. A licensed brewery that produces in total less than 30,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises. In determining the 30,000-barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the

production of beer that are owned or controlled by the same person shall be treated as a single facility.

(e) **SMALL DISTILLERY.** A facility for manufacturing spirits not exceeding 60,000 gallons of spirits, or of all brands combined.

(f) **SMALL WINERY.** A winery manufacturing or bottling not more than 50,000 gallons of wine in one calendar year.

(g) **WINERY.** A facility licensed to manufacture wine and sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, to sell that wine to a retailer and as provided for in § 537 of the Michigan Liquor Control Code of 1998, being Public Act 58 of 1998, MCL 436.1537.

**ALLEY.** A public or private way permanently reserved as a secondary means of access to abutting property. ALLEY is not included within “highway” as herein defined.

**ALTERATION.** Any change, addition or modification in construction or occupancy of an existing structure, such as walls, partitions, columns, beams or girders.

**AMUSEMENT ARCADE.** A building, or part of a building, in which ten or more pinball machines, video games or other similar coin-operated devices are maintained, unless such premises are licensed to serve alcohol.

**ASSISTED LIVING.** Housing facilities designed and generally limited to residents over the age of 55, who because of physical or other limitations need special care and other services and where 24 hour personal care and congregate meals are provided. Facilities contain congregate kitchens, dining and living areas and separate sleeping rooms for residents. Operation of assisted living facilities provide special support services such as, assistance with personal care and daily living needs, transportation and limited medical care.

**ASSISTED LIVING FACILITY.** An unlicensed residential facility providing housing, two (2) or more group meals a day for compensation, incidental nursing or medical services and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping.

**AUTO WASHING STATION.** An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles. For purposes of this chapter, AUTO WASHING STATIONS shall be considered under the same regulations as for drive-in and drive-through businesses.

**AUTOMOBILE REPAIR GARAGE.** Any premises used for the storage of motor vehicles or where such vehicles are repaired, rebuilt, sold or kept for sale or hire.

**AUTOMOBILE WRECKING YARD.** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles which, for a period exceeding 30 days, have not been capable of operating under their own power, and from

which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an AUTOMOBILE WRECKING YARD.

**BED AND BREAKFAST ESTABLISHMENT.** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of such a BED AND BREAKFAST ESTABLISHMENT shall live on the premises.

**BUFFER AREA.** A landscaped area intended to separate and partially or totally obstruct the view of two adjacent land uses or properties from one another.

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

**CLINIC.** A building designed for the diagnosis and treatment of human patients that does not include overnight care facilities.

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

**COMMUNICATIONS TOWER.** A radio, telephone, cellular telephone or television relay structure or skeleton framework, or a monopole attached directly to the ground or another structure, used for transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunications signals. This definition shall not include dishes, antennas, aerials or similar reception or transmission structures used for noncommercial purposes serving a single residential or business premises, such as amateur radio or two-way communication and/or dispatch systems for internal business or family use, and that does not exceed the height limitations for the appropriate zoning district.

**CONDITIONAL USE.** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety or general welfare.

**CONDOMINIUM.** See § 154.276.

**CONVALESCENT OR NURSING HOME.** A facility, including a county medical care facility, that provides short-term or long-term organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity. As used in this definition, "medical treatment" includes treatment by an employee or independent contractor of the nursing home who is an individual licensed or otherwise authorized to engage in a health profession under the Public Health Code, Public Act 368 of 1978, as amended.

**DAY CARE FACILITY.** A facility for the care of children under 18 years of age, as licensed and regulated by the state under Public Act 116 of 1973, being MCL 722.111 et seq., as amended, and the associated rules of the state's Department of Social Services. Such organizations are further defined as follows.

(a) CHILD CARE CENTER.

1. A facility, other than a private residence, receiving more than six preschool or school-aged children for group 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.

2. 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.

3. CHILD 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.

(b) FAMILY CHILD DAY CARE HOME. A private home in which one, but not more than six, minor 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.

(c) GROUP CHILD 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.

DEAD STORAGE. Goods not in use and not associated with any office, retail or other business use on the premises.

DRIVE-IN/DRIVE-THROUGH BUSINESS. An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

DWELLING. A building, including a mobile or modular home, or portion thereof, that provides living facilities for one or more families. Garage space, whether in an attached or detached garage, shall not be deemed a part of a DWELLING in the calculation of floor area. In no case shall a tent, recreational vehicle, camper trailer or any similar structures be considered a DWELLING.

(a) ACCESSORY DWELLING UNIT (ADU). A dwelling unit that is included in a detached accessory building that is incidental and accessory to a principal single-family dwelling on the same lot.

(b) APARTMENT. An APARTMENT is an attached dwelling unit with party or common walls contained in a building with other dwelling units or sharing the occupancy of a

building with other than a residential use. APARTMENTS are commonly accessed by a common stair landing or walkway. APARTMENTS are typically rented by the occupants, but may be condominiums. APARTMENT BUILDINGS often may have a central heating system and other central utility connections. APARTMENTS are also commonly known as GARDEN APARTMENTS or FLATS.

(c) DWELLING UNIT. One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with separate toilets and separate facilities for cooking and sleeping.

(d) ECONOMY EFFICIENT DWELLING (EED). A principal dwelling unit that is between 250 square feet and 700 square feet in size, built on an approved foundation, meeting the State of Michigan's building and sanitary codes, and qualifying for a certificate of occupancy.

(e) EFFICIENCY APARTMENT. A unit within a multiple-family structure which contains no space specially set aside to accommodate sleeping quarters. SLEEPING QUARTERS shall not include storage closets, kitchens, laundry rooms, living rooms or any other areas not commonly associated with bedroom facilities.

(f) LIVE-WORK. A building unit that contains a dwelling unit on the upper floor above a first-floor space under the same ownership that can be used for a retail, service or office use. LIVE-WORK units may be attached to other similar units.

(g) MANUFACTURED HOME. A dwelling which is substantially built, constructed, assembled and finished off the premises upon which it is intended to be located.

(h) MULTIPLE-FAMILY BUILDING. A building, or portion thereof, used or designed as residences for three or more families living independently of each other and each doing their own cooking in the building, with the number of families in residence not exceeding the number of dwelling units provided. This definition includes three-family houses, four-family houses and apartment houses.

(i) SINGLE-FAMILY. A detached building or manufactured home designed exclusively for the complete living accommodations of one family and containing one dwelling unit only.

(j) TOWNHOUSE. A self-contained dwelling unit attached to a dwelling unit with party or common walls, designed as part of a series of three or more dwelling units, each with:

1. A separate entryway with direct access to the outdoors at ground level;
2. Defined front and rear yards;
3. Each dwelling shall comprise of a single unit from the lowest floor to the highest floor between the common walls;
4. A separate basement, if applicable; and



5. Separate utility connections.

(k) TWO-FAMILY. A detached building designed for or occupied exclusively by two families living independently of each other. May also be termed as a DUPLEX.

#### ELDERLY HOUSING

1. **DEPENDENT LIVING.** Elderly housing provided in a multiple-family housing form with central dining facilities provided as a basic service to each unit.
2. **INDEPENDENT LIVING.** Elderly housing provided for in a multiple-family housing form with full facilities for self-sufficiency in each individual unit.

ERECTED. Includes built, constructed, reconstructed, moved upon and physical operations on the land required for the building. Excavations, fill, drainage and the like shall be considered a part of ERECTION.

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

FAMILY. One or more persons related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit. Further, a FAMILY is defined as a collective number of individuals living in one house and under one head whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

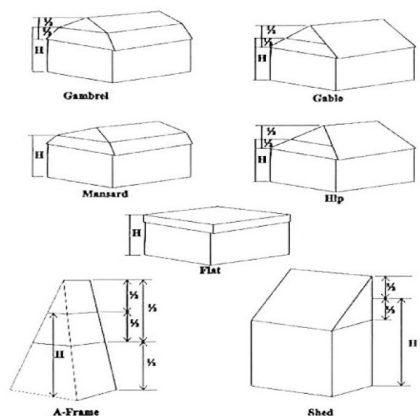
FLAG LOT. A lot with access provided to the bulk of the lot by means of a narrow corridor. (See division (C) below.)

FLOOR AREA, GROSS. The sum of the areas of the several floor of a building, including areas used for human occupancy, as measured from the exterior faces of the walls. It does not include cellars, basements, unenclosed porches or attics, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

**FRONTAGE.** The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way or any private road used for street purposes. (See division (C) below.)

**HEIGHT, BUILDING.** The vertical distance measured from the elevation of the average grade around the building to the roof, as follows:

- (a) To the average height between eaves and ridge for gable, hip and gambrel roofs;
- (b) To the highest point of the roof surface for flat roofs;
- (c) To the deck line of mansard roofs; or
- (d) To the average height between the lowest point and the highest point on a shed roof.



**HIGHWAY.** Any public thoroughfare or street except alleys, including federal, state or county roads and those appearing on recorded plats.

**HOME BUSINESS.** An incidental and secondary use of a residence for business purposes. It is a permitted use in all residential zoning districts when it meets the standards listed in § 154.075 of this code. Examples of HOME BUSINESSES include, but are not limited to, the following: dressmaking, handicrafts, secretarial services, tutoring (limited to six students), a consultant's office and the office facility of a sales representative, provided that no transactions are made in person on the premises.

**KENNEL.** Any facility, except a duly licensed pet shop, where three or more dogs are kept for breeding, sale, sporting, boarding or training purposes for remuneration.

**LANDSCAPING TERMS.** Terms are as follows.

- (a) **BERM.** A planted earthen mound for the purpose of providing screening between conflicting land uses.

(b) **LANDSCAPED STRIP.** A strip of land of definite width and location reserved for building a berm and/or the planting of shrubs and/or trees to serve as an obscuring screen in carrying out the requirements of this chapter.

(c) **SCREENING.** The method by which a view or sound of one site from another adjacent site is shielded, concealed or hidden. SCREENING techniques include fences, walls, hedges, berms or other features.

**LOT.** A piece or parcel of land occupied by a building and its accessory buildings, or by any other activity permitted thereon, and including the open spaces required by this chapter, and having its frontage upon a public street or any private road used for street purposes. A LOT may or may not be specifically designated as such on public records. This definition shall not apply to condominium projects as regulated in §§ 154.275 to 154.278 of this code.

**LOT, CORNER.** A lot abutting on and at the intersection of two or more streets or highways. (See division (C) below.)

**LOT COVERAGE.** Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

**LOT DEPTH.** The average horizontal distance between the front and rear lot lines. (See division (C) below.)

**LOT, INTERIOR.** A lot other than a corner lot. (See division (C) below.)

**LOT LINE, FRONT.** On an interior lot, the lot line abutting a street; or, on a corner lot, both lot lines abutting streets; or, on a through lot, the lot line abutting the street providing primary access to the lot. (See division (D) below.) This definition shall not apply to condominium projects as regulated in §§ 154.275 to 154.278 of this code.

**LOT LINE, REAR.** The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a REAR LOT LINE. (See division (D) below.) This definition shall not apply to condominium projects as regulated in §§ 154.275 to 154.278 of this code.

**LOT LINE, SIDE.** Any boundary of a lot that is not a front or rear lot line. (See division (D) below.) This definition shall not apply to condominium projects as regulated in §§ 154.275 to 154.278 of this code.

**LOT OF RECORD.** A lot whose existence, location and dimensions have been legally recorded or registered in a deed or in a plat.

**LOT, THROUGH.** A lot having its front and rear yards each abutting a street. (See division (C) below.)

**LOT WIDTH.** The width of a lot shall be the horizontal distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the required front setback line. (See division (D) below.) The following provision shall also apply: the width

between the side lot lines measured at the street right-of-way or private road shall not be less than 80% of the required LOT WIDTH, or 40% in the case of lots located on the turning circle of a cul-de-sac.

**MAJOR STREET.** Any street within the village designated as a MAJOR STREET pursuant to Public Act 51 of 1951, being MCL 247.651 et seq., and amendments thereto.

**MEDICAL LABORATORY.** A facility primarily engaged in providing analytic or diagnostic services on human specimens, including body fluid or body tissue, or performing diagnostic imaging, to government agencies, to the medical, dental or other health service professions or to the patient, or an establishment primarily involved in the fabrication (hand assembly) of medical devices, such as dentures, eyeglasses and contact lenses and prosthetic devices.

**MINI-STORAGE WAREHOUSING.** A building or a group of buildings used primarily for the temporary dead storage of residential goods and wares as a result of their transfer from one point to another and/or the dead storage of residential goods and wares, commercial goods and wares and industrial goods, wares and commodities.

**MOBILE HOME.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. MOBILE HOME does not include recreational vehicle.

**MOBILE HOME PARK.** A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

**MOBILE HOME SUBDIVISION.** A legally platted residential subdivision accommodating mobile homes.

**MODULAR HOME.** A premanufactured dwelling designed for permanent attachment to sanitary facilities in a residential district.

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

**NONCONFORMING USE.** A lawful use of land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

**OUTDOOR STORAGE OF MATERIAL.** The keeping, in an area outside of any building, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

**PLANNED UNIT DEVELOPMENT or PUD.** A form of development usually characterized by the flexible application of zoning district regulations and a unified site design for a number of housing units, clustering buildings, providing common open space. It permits the planning of a project and the calculation of densities over the entire development rather than on an individual, lot- by-lot basis. It also refers to a process, mainly revolving around site plan review, in which the village will have considerable involvement in determining the nature of the development.

**PLANNING COMMISSION.** Whenever in this chapter appear the words “Planning Commission,” it shall mean the Planning Commission of the Village of Grass Lake, Michigan.

**PRINCIPAL BUILDING.** A building in which the primary use of the lot on which the building is located is conducted.

**PRINCIPAL USE.** The main use of land or structures, as distinguished from a secondary or accessory use.

**RECYCLING COLLECTION CENTER.** A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware and metal cans, are collected, stored, flattened, crushed or bundled, essentially by hand, within a completely enclosed building.

**RESOURCE CENTER.** A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**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, sit down restaurant, or bar, lounge, or tavern or combination thereof, as defined below.

(1) **BAR, LOUNGE OR 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.

(2) **RESTAURANT, CARRY-OUT.** A restaurant 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.

(3) **RESTAURANT, DRIVE-IN.** A restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to, or permitted to be consumed by, patrons in cars or other vehicles parked on the premises or permitted to be consumed by patrons elsewhere on the site outside the main building.

(4) **RESTAURANT, DRIVE-THROUGH.** A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a window, permitting the customer to remain in its vehicle, for consumption primarily off the premises.

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

(6) RESTAURANT, SIT DOWN. A restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or at approved outdoor seating, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within the restaurant venue. Outdoor seating may be permitted as accessory to the restaurant located on the same site.

SERVICE STATION. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities, such as engine tune-ups, lubrication, minor repairs and carburetor cleaning, are conducted. SERVICE STATIONS shall not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting and body fender work, are conducted.

SETBACK. The required minimum horizontal distance between the front, side or rear property line and the portion of the structure closest to the property line. This definition shall not apply to condominium projects as regulated in §§ 154.275 to 154.278 of this code.

SIGN. A structure or device designated or intended to convey information to the public in written or pictorial form. Regulations for signs in the village are contained in Ch. 152 of this code.

SITE PLAN. A document or group of documents containing sketches, text, drawings, maps, photographs and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.

#### SOLAR ENERGY SYSTEMS.

(a) PHOTOVOLTAIC DEVICE. A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, regardless of whether the device can store the electric energy produced for later use.

(b) SOLAR ARRAY. Any number of photovoltaic devices connected to provide a single output of electric energy or other energy.

(c) SOLAR ENERGY SYSTEM, ABANDONED. Any solar energy system, solar array or combination of photovoltaic devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of 12 months.

(d) SOLAR ENERGY SYSTEM, SMALL. A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, primarily for personal consumption by a single

end user at the same property upon which the solar energy system is located, with a generating capacity of less than 150 kW.

(e) **UNREASONABLE SAFETY HAZARD.** Any condition which could reasonably be expected to create, cause or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including, but not limited, to trespassers or emergency services personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

**STREET.** A public thoroughfare, 66 feet in width, being a portion of any of the recognized state, county or township highway systems.

**TOURIST HOME.** A building where lodging is provided by a resident family in its home for compensation, mainly for transients. A TOURIST HOME may be called a BED AND BREAKFAST ESTABLISHMENT. A TOURIST HOME is not a hotel, motel or a boarding house.

**VARIANCE.** A relaxation by the Zoning Board of Appeals of the dimensional regulations of the Code where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

**VILLAGE COUNCIL.** Whenever in this chapter appear the words VILLAGE COUNCIL, it shall mean the Village Council of the Village of Grass Lake, Michigan.

**YARD.** A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Zoning Code.

**YARD, FRONT.** A clear, unoccupied space on the same lot with a building, extending across the entire width of the lot and situated between the front lot line of the building and the front line of the lot. (See divisions (D) and (E) below.)

**YARD, REAR.** A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. REAR YARD depth shall be measured at right angles to the rear line of the lot. (See divisions (D) and (E) below.)

**YARD, SIDE.** A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. SIDE YARD widths shall be measured at right angles to side lines of the lot. (See divisions (D) and (E) below.)

**ZONING BOARD OF APPEALS.** Whenever in this chapter appear the words ZONING BOARD OF APPEALS, it shall mean the Zoning Board of Appeals of the Village of Grass Lake.

**ZONING MAP.** A map showing the location and placement of the various zoning districts within the village. The ZONING MAP is composed of two portions. These are the underlying portion and overlying portion.

**ZONING MAP, OVERLYING.** This zoning map reflects the presence of wetlands as defined by the Michigan Department of Environment, Great Lakes and Energy (EGLE) and the United States Fish and Wildlife Service National Wetland Inventory (NWI). The effect of the overlying map is to supersede the underlying map unless, and until, the necessary wetland permits are secured for these areas.

A hand-drawn diagram of a block layout. The block is bounded by a 'STREET' on the bottom and a 'BLOCK' boundary on the top and right. The block is divided into several lots: 'CORNER LOT' (top left), 'INTERIOR LOT' (top middle), 'INTERIOR LOT' (middle left), 'BACK-TO-BACK LOTS' (middle middle), 'THROUGH LOT' (middle right), 'CORNER LOT' (bottom right), 'INTERIOR LOT' (bottom middle), and 'CORNER LOT' (bottom left). Dimensions are indicated: 'LOT FRONTAGE' (top), 'LOT DEPTH' (middle left), 'SIDE LOT LINES' (bottom left), 'LOT WIDTH' (bottom middle), and 'LOT DEPTH' (middle left). A legend at the bottom indicates that solid lines represent 'LOT LINES' and dashed lines represent 'BLOCK BOUNDARY'.

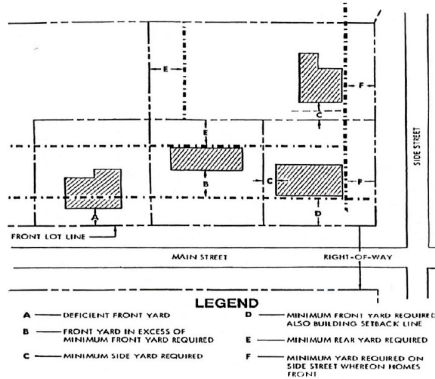
Diagram illustrating the various boundaries and areas of a lot:

- UTILITY EASEMENT
- REAR LOT LINE
- LOT WIDTH
- REAR YARD
- SIDE LOT LINE
- SIDE YARD
- LOT DEPTH
- FRONT YARD
- FRONT LOT LINE
- STREET RIGHT-OF-WAY
- SIDEWALK
- STREET PAVEMENT

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Text Amendments Adopted August 5, 2025





(Ord. passed 6-18-1991, § 2.2; Ord. passed 1-7-1994; Ord. passed 10-6-1994; Ord. passed 12-8-1994; Ord. passed 9-7-1995; Ord. passed 9-27-1999; Ord. passed 1-17-2000; Ord. passed 8-18-2002; Ord. passed 5-20-2009; Ord. passed 11-16-2010; Ord. passed 9-17-2019; Ord. passed 11-23-2019; Ord. passed 12-19-2023; Ord. passed 12-19-2023)

#### **§ 154.006 EFFECTIVE DATE.**

(A) All earlier versions of this chapter are repealed upon the effective date of this chapter.

(B) This chapter was adopted by the village at a meeting held on \_\_\_\_\_, and notice ordered published in the Exponent, a newspaper having general circulation in said village.

(Ord. passed 6-18-1991, § 9.4)

## **NONCONFORMITIES**

### **§ 154.020 GENERAL PROVISIONS.**

(A) Where, within the districts established by this chapter or by amendments, there exist lots, structures and uses of land and structures which were lawful before this chapter was adopted or amended, and which would be prohibited, regulated or restricted under the terms of this chapter or future amendments, it is the intent of this chapter to permit these nonconformities to continue until they are discontinued, damaged or removed, but not to encourage their survival.

(B) These nonconformities are declared by this chapter to be incompatible with the lots, structures and uses permitted by the chapter in certain districts. It is further the intent of this chapter that such nonconformities shall not be enlarged, expanded or extended, except as provided herein, nor be used as grounds for adding other lots, structures or uses prohibited elsewhere in the same district.

(Ord. passed 6-18-1991 , § 3.1)

### **§ 154.021 NONCONFORMING USES OF LAND.**

Where, on the date of adoption or amendment of this chapter, a lawful use of land exists that is no longer permissible under the provisions of the chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No such nonconforming use of land shall be enlarged, expanded or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter, and no accessory use or structure shall be established therewith.

(B) No such nonconforming use of land shall be moved, in whole or in part, to any other portion of such land not occupied on the effective date of adoption or amendment of this chapter.

(C) If such nonconforming use of land ceases, for any reason, for a period of more than 180 consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this chapter for the district in which such land is located.

(Ord. passed 6-18-1991 , § 3.2) Penalty, see § 154.999

### **§ 154.022 NONCONFORMING STRUCTURES.**

Where, on the effective date of adoption or amendment of this chapter, a lawful structure exists that could not be built under the regulations of this chapter by reason of restrictions

upon lot area, lot width, lot coverage, height, setback, open spaces or other characteristics of such structure, or its location upon a lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No such structure shall be enlarged, expanded, extended or altered in any way which increases its nonconformance. Expansions and improvements shall be allowed where there will not be an increase in nonconformity; for example, a building with a nonconforming front yard setback may be expanded to the rear, provided the setbacks for the rear portion of the building comply.

(B) Should any such structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(C) Should any such structure be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(D) Repairs and modernization to nonconforming structures containing a use allowed in the district shall be permitted, provided the total cost of construction does not exceed 50% of the structure's replacement cost. Reasonable upgrades to the building and site may be required to bring the building and site closer to compliance with this chapter.

(Ord. passed 6-18-1991 , § 3.3) Penalty, see § 154.999

### **§ 154.023 NONCONFORMING USES OF STRUCTURES.**

Where, on the date of adoption or amendment of this chapter, a lawful use of a structure exists that is no longer permissible under the regulations of this chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No nonconforming use of a structure shall be enlarged, expanded, extended or altered, except in changing the use of such structure to a use permitted in the district in which such structure is located.

(B) When a nonconforming use of a structure is discontinued or abandoned for more than 180 consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(C) In any structure devoted, in whole or in part, to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not to exceed 10% of the then-current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

(D) Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(E) Should any structure devoted, in whole or in part, to any nonconforming use be destroyed by any means to an extent of more than 50% of its replacement costs at the time of destruction, it shall not be reconstructed and again devoted to any use except in conformity with the regulations of the district in which it is located.

(Ord. passed 6-18-1991 , § 3.4) Penalty, see § 154.999

### **§ 154.024 CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

(Ord. passed 6-18-1991 , § 3.5)

### **§ 154.025 NONCONFORMING LOTS.**

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this subchapter, or amendment thereto.

(A) Use of nonconforming lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this subchapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the lot is in conformity with all other applicable yard setback, minimum area and any other dimensional requirements which apply to the district in which the lot is located. See division (C) below.

(B) Variance requirements. If the proposed use of a nonconforming lot would not be in conformity with the minimum setback and other applicable dimensional requirements set forth in this chapter, then such proposed use shall be permitted only if a variance is granted by the Zoning Board of Appeals. See division (C) below.

(C) Development requirement. To develop a nonconforming lot(s) under the provisions of division (A) or (B) above, the applicant is required to submit evidence that ownership of the lot was not, at the time of adoption or amendment of this subchapter, under contiguous single ownership with other lots which could have been combined into a conforming, or more conforming, lot. For purposes of this subchapter, the term DEVELOP shall be defined

to mean a change in use of, or location, modification, or construction of, any structure on such lot.

(D) Nonconforming contiguous lots under the same ownership. The following regulations shall apply to nonconforming contiguous lots under the same ownership.

(1) If two or more lots, or combinations of lots, with contiguous frontage are under single ownership and are of record at the time of adoption or amendment of this subchapter, and if all or part of the individual lots do not meet the requirements established for lot width or area, the parcels involved shall be considered to be an individual parcel for purposes of this subchapter. Any alteration of lot lines, or combinations of lots, shall result in lots which more closely conform to the requirements of this chapter.

(2) No portion of any such parcel shall be used, occupied or sold such that the same would diminish compliance with the minimum lot width and area requirements set forth in this chapter, nor shall any division of a parcel be made which creates a lot with width or area less than the minimum requirements set forth in this chapter.

(3) Once any combination which creates a conforming lot occurs, the resulting lot shall not retain nonconforming lot of record status, may not be redivided and will thereafter be required to comply with the lot requirements of this chapter.

(Ord. passed 6-18-1991 , § 3.6) Penalty, see § 154.999

## **§ 154.026 DISTRICT BOUNDARY CHANGES.**

When district boundaries shall hereafter be changed, any nonconforming use may still be continued, but subject to all other provisions of this chapter.

(Ord. passed 6-18-1991 , § 3.7)

## ZONING DISTRICTS GENERALLY

### § 154.040 ZONING DISTRICTS.

The village is hereby divided into zones or districts as shown on the official Zoning Map, and shall include the following zoning districts.

(A) Traditional zoning districts.

MU-1	Municipal Utilities District
OS-1	Open Space District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
RM-1	Multiple-Family Residential District

(B) Form-based code districts.

CBD	Central Business District
CM	Church/Maple Street District
GC	General Commercial District
LI	Light Industrial
LS	Lakeshore District
MA	Michigan Avenue District
USG	Union Street Gateway District
WS	Water Street District

(Ord. passed 5-20-2009 , § 4.1.1)

### § 154.041 MAPS.

(A) The boundaries of these districts are shown upon the official Zoning Map of the village and made a part of this chapter. The official Zoning Map shall be maintained and kept on file with the Village Clerk, and all notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

(B) The Zoning Map is contained within two distinct maps, an underlying and an overlying map. The underlying map represents the zoning districts listed in § 154.040 of this code, which are regulated strictly under the provisions of this chapter. The overlying map shows the presence of wetlands as defined by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), which are regulated by said agency.

(Ord. passed 1-17-2000, § 4.1.2)

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

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply.

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

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(C) Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.

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

(E) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of changes in the shore, the line shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other similar bodies of water shall be construed to follow such center lines.

(F) Boundaries indicated as parallel to, or extensions of, features indicated in divisions (A) through (E) above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

(G) Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in other circumstances not covered by divisions (A) through (F) above, the Board of Appeals shall interpret the district boundaries.

(Ord. passed 6-18-1991 , § 4.1.3)

## **§ 154.043 DISTRICT REGULATIONS.**

Each district, as created in this chapter, shall be subject to the regulations contained in this chapter. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

Penalty, see § 154.999



## VILLAGE FORM-BASED CODE

### § 154.055 STATEMENT OF PURPOSE.

The purpose of the village's form-based code is to provide specific regulations to achieve the following:

- (A) Develop a fully integrated, mixed-use, pedestrian-oriented environment with historic residential neighborhoods and a traditional downtown with buildings that contain commercial, residential and office uses;
- (B) Create a synergy of uses within the downtown to support economic development and redevelopment;
- (C) Calm traffic traveling through the village to create a more pedestrian-friendly environment. Prevent a clustering of auto-oriented uses, which could degrade the pedestrian-friendly environment;
- (D) Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition between the different areas of the village; and
- (E) Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.

(Ord. passed 5-20-2009, § 4.3.1)

### § 154.056 REGULATING PLAN AND LISTING OF DISTRICTS.

A form-based code is established for the core area of the village, which is divided into the following districts.

- (A) LS - Lakeshore District. The Lakeshore District is intended to provide a primarily residential setting along the lake while protecting waterfront and lake resources and preserving the historic character of the neighborhood.
- (B) CM - Church/Maple Street District. The Church/Maple Street District is intended to provide a quiet, single-family residential setting while preserving the historic character of the neighborhood.
- (C) MA - Michigan Avenue District. The Michigan Avenue District is intended to provide a mixed-use district that is primarily residential in character but allows other compatible uses. The intent of this district is to preserve the historic character and sense of arrival as a person travels into the village. To achieve this, the regulations encourage maintaining the grand scale of larger buildings and lots along Michigan Avenue. It is also the intent of this district to calm traffic traveling through the village.

(D) WS - Water Street District. The Water Street District is intended to be a transitional district on the edge of downtown that is primarily residential, but also allows for infill development that would help support the downtown.

(E) GC - General Commercial District. The General Commercial District is intended for commercial uses that provide convenience goods and services for residents of the village and the surrounding area. It is further the intent of this district that sites develop or redevelop in a manner that is consistent with the goal to maintain the historic character and enhance the walkability of the village.

(F) USG - Union Street Gateway District. The Union Street Gateway District is intended to provide a node of activity centered at the intersection of Union Street and Michigan Avenue. The intent of this district is to create a gateway district around the key Michigan Avenue/Union Street crossroad that is compatible with the surrounding residential character.

(G) CBD - Central Business District. The Central Business District is intended to protect the historic, small town character of the downtown and enhance the traditional, pedestrian-oriented environment of the village. The district provides for a mixture of retail stores, offices, entertainment, public spaces, residential uses and related activities that are mutually supporting and serve the needs of the community. The intent of this district 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.

(H) LI - Light Industrial. The Light Industrial District is intended to permit low-impact manufacturing uses and certain heavy commercial uses that provide services to the community. Because of the small size of this district and the close proximity of other uses, this district is intended to redevelop with a mixture of uses that will be compatible with other uses as opposed to heavier, high-impact industrial uses.

(Ord. passed 5-20-2009, § 4.3.2; Ord. passed 7-17-2018)

## **§ 154.057 USE REGULATIONS.**

(A) General provisions.

(1) Uses shall be permitted based upon the district. Each use is listed in the table in division (B) below as one of the following by district:

- (a) P: principal permitted use;
- (b) C: conditional use; or
- (c) - -: not allowed.

(2) Uses must comply with the use standards that are referenced in the right column.

(3) Uses shall be allowed in the following general building types indicated for the use in the table in division (B) below. The building type shall meet the requirements of § 154.059 of this code.

(B) Permitted and conditional uses by district and building type.

(Ord. passed 11-16-2010, § 4.3.3; Ord. passed 7-17-2018; Ord. passed 9-17-2019; Ord. passed 12-19-2023)

	Districts								Building Type(s)	Use Standards
Use	LS	CM	MA	WS	GC	USG	CBD	LI		
Auto Services										
Automobile and recreational vehicle sales	--	--	--	--	C	--	--	C	GC/MU, IND	
Automobile service stations	--	--	--	--	C	C	--	P	GC/MU, CBD, AS	§ 154.077
Car washes	--	--	--	--	C	--	--	P	GC/MU, CBD, AS	§ 154.077
Major vehicle repair and body shops	--	--	--	--	--	--	--	P	GC/MU, AS, IND	§ 154.077
Minor automobile maintenance such as oil change, brake service and tire stores	--	--	--	--	C	--	--	P	GC/MU, CBD, AS, IND	§ 154.077
Recreational vehicle and boat maintenance and storage	--	--	--	--	C	--	--	P	GC/MU, IND	§ 154.077
Civic										
Churches, synagogues, temples and similar places of worship	P	P	P	P	P	P	P	--	C/I	§ 154.082(A)
Co-location on existing wireless communication facilities	--	--	--	--	P	--	--	P	IND	§ 154.082(C)
Essential public services	P	P	P	P	P	P	P	P	C/I	
Municipal service facilities, including public works buildings and storage yards	--	--	--	--	P	--	--	P	GC/MU, C/I, IND	
New construction of wireless communication facilities	--	--	--	--	--	--	--	C	IND	§ 154.082(C)
Public and private cemeteries	P	P	P	P	--	P	--	--	C/I	
Public/government buildings, such as	P	P	P	P	P	P	P	P	C/I	

village/state/county federal offices, museums, libraries and community centers										
Public, private or parochial elementary schools	P	P	P	P	P	P	P	--	C/I	§ 154.082(B)
<b>Industrial</b>										
Automobile wrecking and salvage yards	--	--	--	--	--	--	--	C	IND	§ 154.083(A)
Breweries, wineries and distilleries	--	--	--	--	--	--	--	P	IND	§ 154.078(E)
Bulk storage of explosives or hazardous materials	--	--	--	--	--	--	--	C	IND	§ 154.083(B)
Contractors yards, with or without outdoor storage	--	--	--	--	--	--	--	C	IND	§ 154.083(C)
Crating and packaging within a completely enclosed building	--	--	--	--	--	--	--	P	IND	
Helicopter landing pads	--	--	--	--	--	--	--	C	IND	§ 154.083(D)
Light manufacturing and assembly within an enclosed building	--	--	--	--	--	--	--	P	IND	
Outdoor storage accessories to a permitted use	--	--	--	--	--	--	--	C	IND	
Recycling collection centers	--	--	--	--	P	--	--	P	IND, C/I	§ 154.083(E)
Warehousing and mini-storage warehousing	--	--	--	--	--	--	--	P	IND	§ 154.083(F)
<b>Lodging and Restaurants</b>										
Banquet halls	--	--	--	--	P	P	P	--	GC/MU, CBD	
Bed and breakfast inns	C	C	C	C	P	P	P	--	CS, SFR	§ 154.078(A)
Drive-through and drive-in restaurants	--	--	--	--	C	--	--	--	GC/MU, CBD, CS, DT	§ 154.078(D)
Hotels	--	--	--	--	P	P	P	--	GC/MU, CBD	§ 154.078(B)
Microbreweries, small wineries and small distilleries, provided the brewing, wine-making and distilling area is less than 2,500 sq. ft.	--	--	--	--	P	P	P	P	GC/MU, CBD, CS	§ 154.078(E)
Microbreweries, small wineries and small distilleries with brewing, wine-making and distilling areas greater than 2,500 sq. ft.	--	--	--	--	P	C	C	P	GC/MU, CBD, CS	§ 154.078(E)

Restaurants, taverns, bars, brewpubs, carry-out and similar establishments serving food or beverages, but excluding drive-throughs	--	--	--	--	P	P	P	P	GC/MU, CBD, CS	
Restaurants, taverns, bars, brewpubs, carry-out and similar establishments serving food or beverages with outdoor seating	--	--	--	--	P	P	P	P	GC/MU, CBD, CS	§ 154.078(C)
<b>Medical and Care Facilities</b>										
Adult foster care congregate facilities	--	--	--	--	C	C	C	--	GC/MU, CBD, CS	§ 154.080(F)
Adult foster care family homes	P	P	P	P	--	P	--	--	SFR	§ 154.080(F)
Adult foster care large group homes	--	--	--	--	--	C	--	--	SFR	§ 154.080(F)
Adult foster care small group homes	C	C	C	C	--	C	--	--	SFR	§ 154.080(F)
Child care centers, preschool and commercial day care	C	C	C	C	P	P	P	--	GC/MU, CBD, CS	§ 154.080(A)
Family child day care homes	P	P	P	P	P	P	P	--	SFR	
Funeral homes	--	--	C	--	C	C	C	--	GC/MU, CBD, CS	§ 154.080(C)
Group child day care homes	C	C	C	C	C	C	C	--	SFR	§ 154.080(B)
Hospitals and convalescent homes	--	--	--	--	C	C	C	--	GC/MU, CBD, CS	§ 154.080(D)
Medical and dental offices, clinics	--	--	P	P	P	P	P	--	GC/MU, CBD, CS	
Medical laboratories	--	--	--	--	P	--	P	--	GC/MU, CBD	
Convalescent homes, nursing homes, and senior assisted living facilities, and elderly dependent living	C	C	C	C	--	C	--	--	GC/MU, MFR	§ 154.080(D)
Elderly independent living	C	C	C	C	--	C	--	--	GC/MU, MFR	§ 154.080(E)
Veterinary hospitals, small animal	--	--	--	--	C	C	C	C	GC/MU, CBD, CS	
<b>Office and Financial</b>										
Bank, loan and financial offices	--	--	--	C	C	C	C	--	GC/MU, CBD, CS	
Drive-through service accessories to a bank, loan or financial office					C	C			GC/MU, CBD, CS, DT	§ 154.076(A)

Professional offices	--	--	P	P	P	P	P	P	GC/MU, CBD, CS	
Radio and TV studios	--	--	--	C	C	--	--	C	GC/MU, IND, CS	§ 154.079
Real estate, insurance and investment brokers	--	--	P	P	P	P	P	P	GC/MU, CBD, CS	
<b>Other</b>										
Other uses similar to the uses in this district and not listed in another district, subject to other provisions in this chapter	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Based on similar use	
<b>Recreation and Entertainment</b>										
Adult uses	--	--	--	--	--	--	--	C	GC/MU	§ 154.081(A)
Assembly halls, recreational clubs, fraternal order halls, private clubs, lodge halls or other similar places of assembly	--	--	--	--	P	--	P	P	GC/MU, CBD	
Boat and RV sales and storage	--	--	--	--	C	--	--	--	GC/MU	
Boat clubs and marinas	C	--	--	--	C	--	--	--	GC/MU	
Health clubs, fitness centers, gyms and aerobic clubs	--	--	--	--	P	--	P	P	GC/MU, CBD	
Indoor recreation, such as bowling alleys, racquetball courts, skating rinks, swimming pools and amusement arcades	--	--	--	--	P	--	P	P	GC/MU, CBD	§ 154.081(B)
Parks, playgrounds, common greens, plazas, public gathering places and open spaces	P	P	P	P	P	P	P	P	C/I	
Theaters	--	--	--	--	P	--	P	P	GC/MU, CBD	
<b>Residential Uses</b>										
Accessory dwelling units	P	P	P	P	--	P	--	--	AB	§ 154.075(F)
<del>Detached single-family residential</del> Single-family detached dwellings	P	P	P	P	--	P	--	--	SFR	§ 154.075(A)
Home businesses	P	P	P	P	P	P	P	--	All	§ 154.075(C)
Live/work units with a dwelling unit on the upper floor above a first-floor commercial	--	--	--	--	P	P	P	P	GC/MU, CBD	

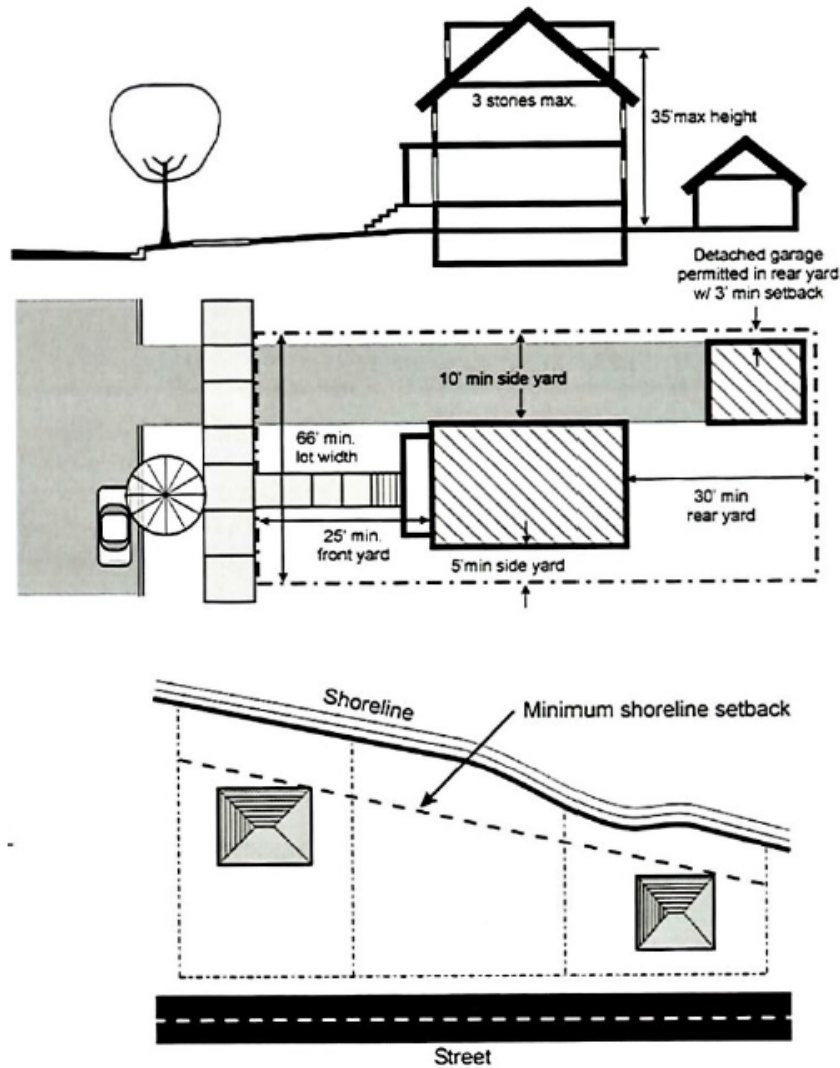
space under the same ownership										
Multiple-family residential (apartments)	--	--	--	C	C	P	P	--	GC/MU, CBD, APT, TH	§ 154.075(E)
Residential dwellings on upper floors within mixed-use buildings	--	--	--	--	P	P	P	--	GC/MU, CBD	
Townhouses (attached single-family residential)	--	--	--	P	P	P	P	--	TH	
Two-family residential dwellings	P	P	P	P	--	P	--	--	SFR	
Economy efficient dwellings (EEDs)				C						§ 154.075(G)
<b>Retail and Services</b>										
Bakeries, pastry and fudge shops	--	--	--	--	P	--	P	P	GC/MU, CBD, CS	
Building supplies sales, lumber yards, garden and lawn supply stores and other similar retail uses with outdoor sales/storage	--	--	--	--	C	--	--	P	GC/MU, CBD, IND	§ 154.076(B)
Drive-through service accessories to a retail use	--	--	--	--	C	--	--	--	GC/MU, CBD, DT	§ 154.076(A)
Feed and fertilizer, sales and storage	--	--	--	--	--	--	--	P	GC/MU, CBD, IND	§ 154.076(B)
Kennels	--	--	--	--	C	--	--	C	GC/MU, IND	§ 154.076(C)
Machinery sales, farm or industrial	--	--	--	--	--	--	--	P	GC/MU, CBD, IND	§ 154.076(B)
Personal service establishments, such as barber/beauty shops, dry cleaning drop-off stations, shoe repair shops and tailoring	--	--	--	--	P	P	P	P	GC/MU, CBD, CS	
Retail establishments within an enclosed building; floor area 30,000 sq. ft. or less	--	--	--		P	P	P	P	GC/MU, CBD, CS	
Retail establishments within an enclosed building; floor area above 30,000 sq. ft.	--	--	--		C	C	C	C	GC/MU, CBD, CS	
Wholesale of any commodity made or processed on-site	--	--	--	--	--	--	--	P	GC/MU, CBD, CS, IND	

## § 154.058 DIMENSIONAL REQUIREMENTS.

(A) LS, Lakeshore District. All lots and buildings in the Lakeshore District shall meet the following dimensional requirements.

Accessory buildings	Accessory buildings shall be subject to the requirements of § 154.059(G)
Building height	Minimum 20-ft. building height; maximum 3 stories/35-ft. building height
Floor area	Minimum 1,000 sq. ft. of floor area for single-family dwellings, minimum 650 sq. ft. of floor area each for two-family dwellings; ADU: see § 154.075(F) for allowed dimensions
Front/street yard	Minimum 25-ft. front yard setback
Lot area	Minimum 8,700-sq. ft. lot area
Lot coverage	Maximum lot coverage is 30%
Lot width	Minimum 66-ft. lot width
Parking	No parking shall be allowed in the front yards, except for a residential driveway
Rear yard	Minimum 30-ft. rear yard setback
Residential density	Minimum 8,700 sq. ft. of lot area for each dwelling unit
Side yard	Minimum 5 ft. on one side; 15 total of both
Waterfront yard	The minimum setback from the shoreline is equal to the average setback of adjacent dwellings, determined by a straight line drawn between the two adjacent buildings; provided, if adjacent dwellings are set back more than 30 ft., the required minimum setback shall be 30 ft.; if one or both of the adjacent lots are vacant, the required minimum setback shall be 30 ft.

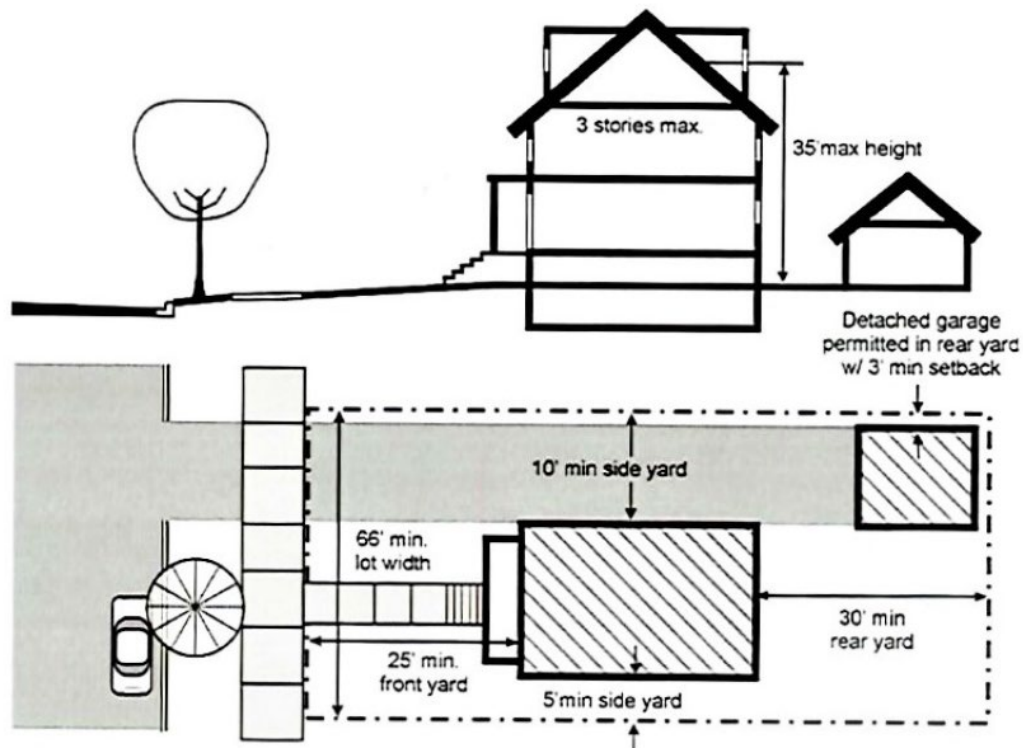




(B) CM, Church/Maple Street District. All lots and buildings in the Church/Maple Street District shall meet the following dimensional requirements.

Accessory buildings	Accessory buildings shall be subject to the requirements of § 154.059(G)
Building height	Minimum 20-ft. building height; maximum 3 stories/35-ft. building height
Floor area	Minimum 1,000 sq. ft. of floor area for single-family dwellings; minimum 650 sq. ft. of floor area each for two-family dwellings; ADU: see § 154.075(F) for allowed dimensions
Front yard	Minimum 25-ft. front yard setback
Lot area	Minimum 8,700-sq. ft. lot area

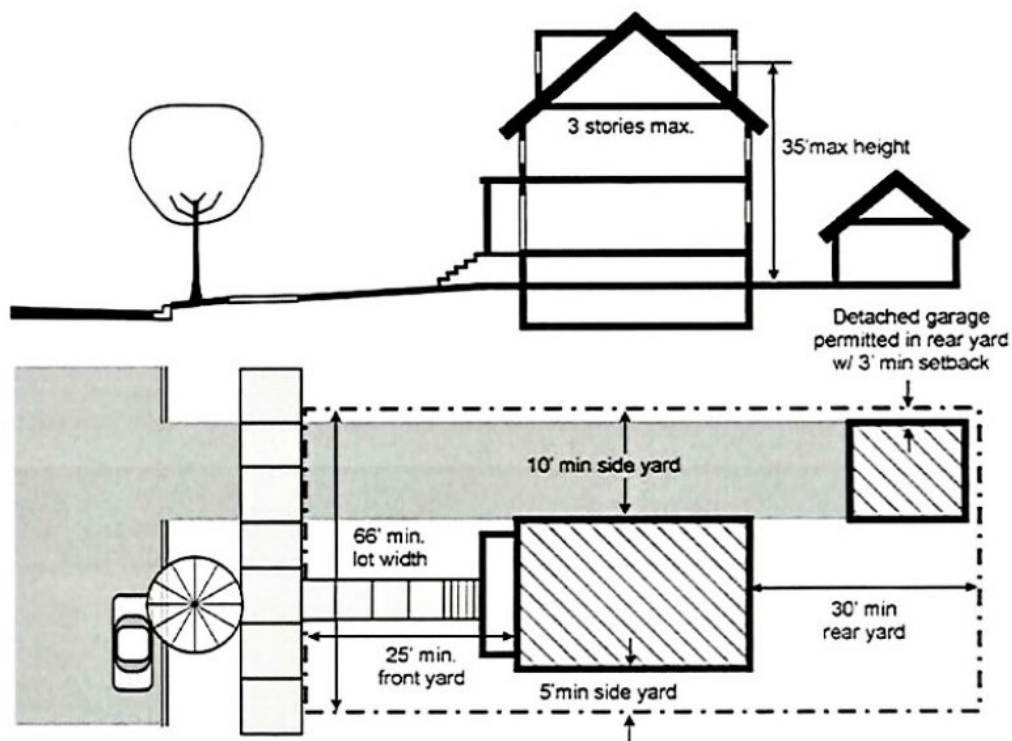
Lot coverage	Maximum lot coverage is 30%
Lot width	Minimum 66-ft. lot width
Parking	No parking shall be allowed in the front yards, except for a residential driveway
Rear yard	Minimum 30-ft. rear yard setback
Residential density	Minimum 8,700 sq. ft. of lot area for each dwelling unit
Side yard	Minimum 5-ft. on one side; 15 total of both



(C) MA, Michigan Avenue District. All lots and buildings in the Michigan Avenue District shall meet the following dimensional requirements.

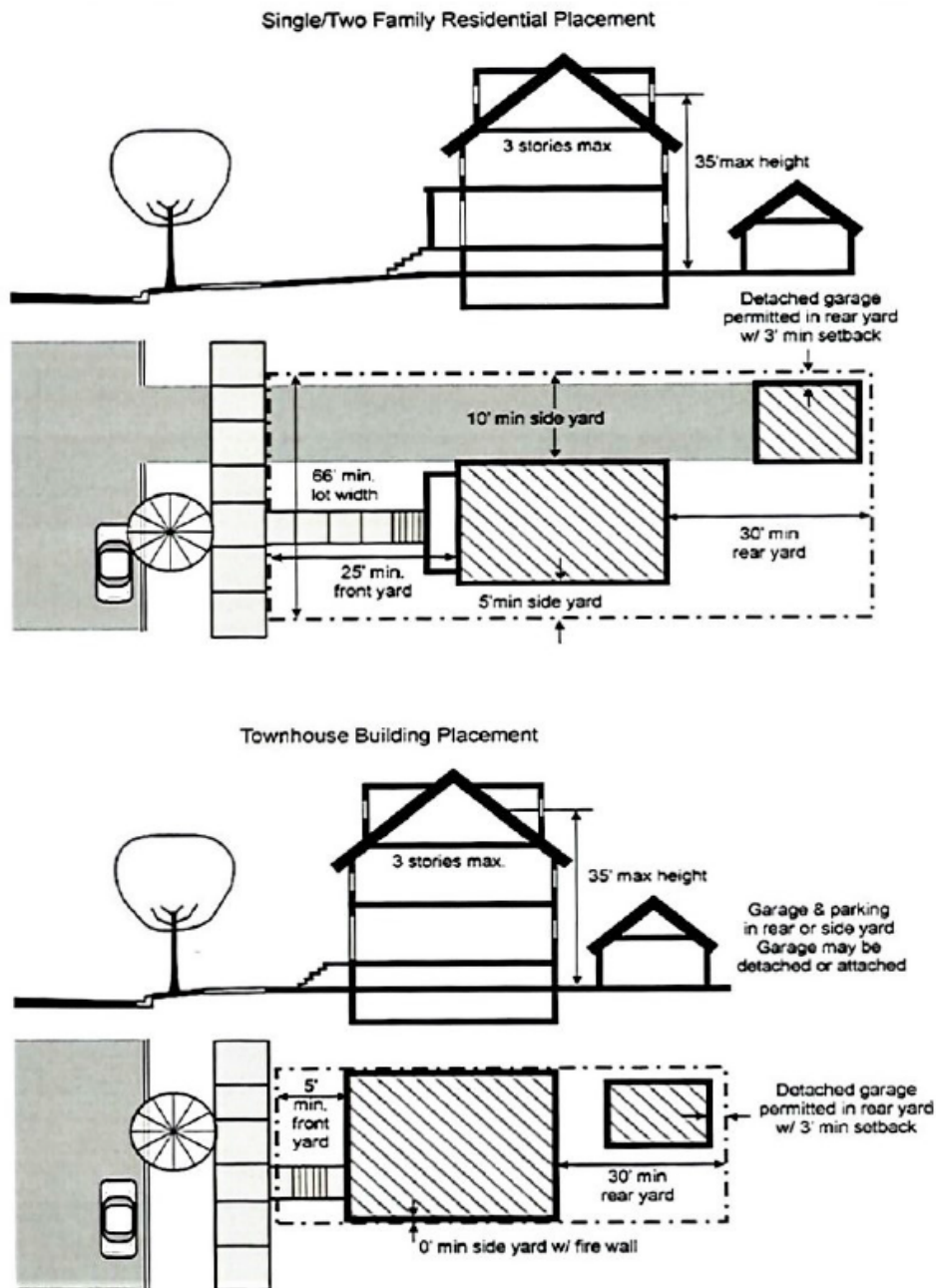
Accessory buildings	Accessory buildings shall be subject to the requirements of § 154.059(G)
Building height	Minimum 20-ft. building height; maximum 3 stories/35-ft. building height

Floor area	Minimum 1,000 sq. ft. of floor area for single-family dwellings; minimum 650 sq. ft. of floor area each for two-family dwellings; ADU: see § 154.075(F) for allowed dimensions
Front yard	Minimum 25-ft. front yard setback
Lot area	Minimum 8,700-sq. ft. lot area
Lot coverage	Maximum lot coverage is 30%
Lot width	Minimum 66-ft. lot width, except where an existing lot and both adjacent lots have a lot width of 80 ft. or more, then the minimum lot width shall be 80 ft.; corner lots must be at least 80 ft. wide along the front property line
Parking	No parking shall be allowed in the front yards facing Michigan Avenue, except for a residential driveway
Rear yard	Minimum 30-ft. rear yard setback
Residential density	Minimum 8,700 sq. ft. of lot area for each dwelling unit
Side yard	Minimum 5-ft. on one side; 15 total of both



(D) WS, Water Street District. All lots and buildings in the Water Street District shall meet the following dimensional requirements.

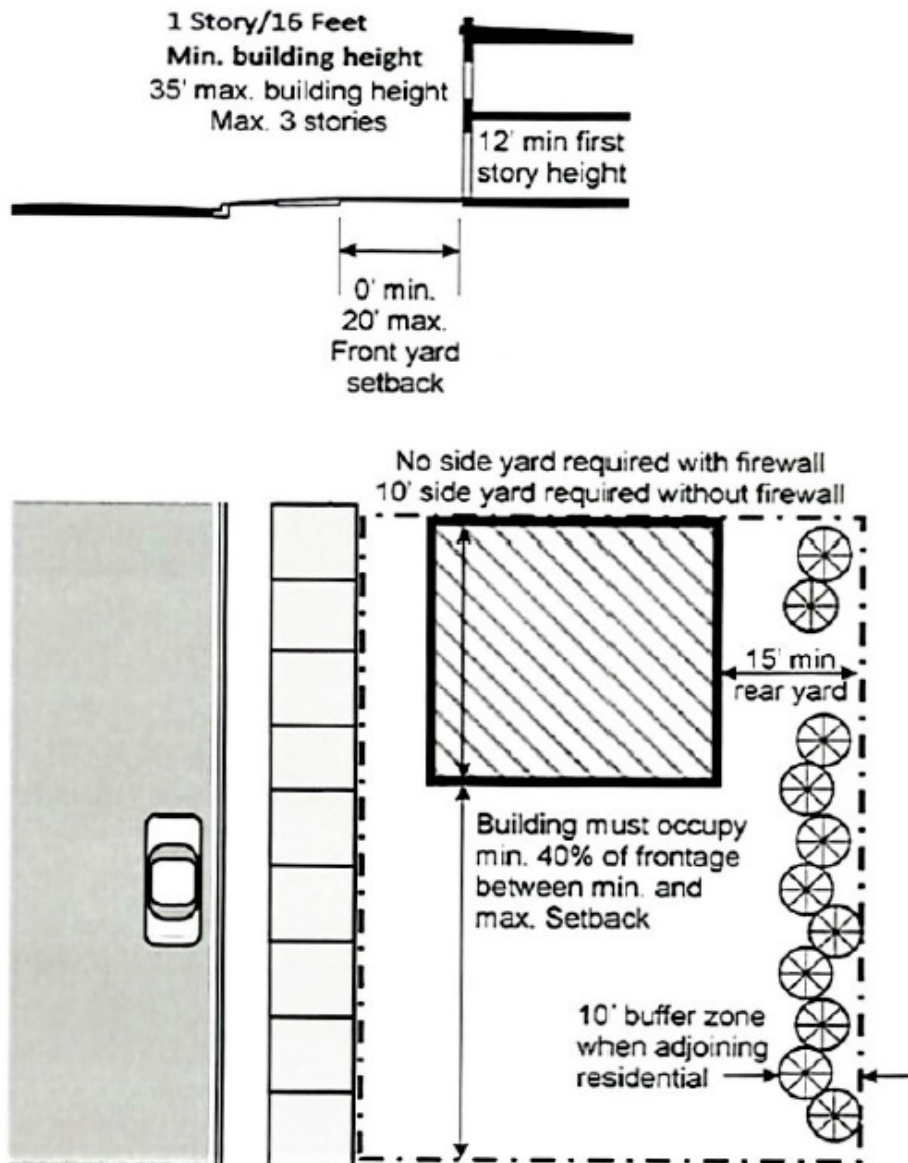
**REFER TO TABLE IN MUNICODE, SECTION 154.058(D)**



(E) GC, General Commercial District. All lots and buildings in the General Commercial District shall meet the following dimensional requirements.

Accessory buildings	Accessory buildings shall be subject to the requirements of § 154.059(G)
Buffer from residential	Where the side or rear adjoins residential, a 10-ft. buffer zone shall be provided in accordance with § 154.060(D)(4)
Building frontage requirements	Building facade shall occupy a minimum of 40% of the frontage length between the minimum and maximum setback
Building height	Minimum 1 story/16-ft. building height, maximum 3 stories/35-ft. building height; the first story shall be a minimum of 12 ft. in height measured from floor to ceiling
Floor area	Minimum 550 sq. ft. of floor area each for each dwelling unit
Front yard	Minimum 0-ft., maximum 20-ft. front yard setback
Lot area	No minimum lot area
Lot width	No minimum
Parking	Side and rear yard parking are permitted; up to 60% of the frontage may be occupied by off-street parking, provided a 3-ft. tall screen wall is located between the sidewalk and parking lot
Rear yard	Minimum 15-ft. rear yard setback
Residential density	Minimum 4,350 sq. ft. of lot area per dwelling unit in a residential building; in mixed-use buildings with upper floor apartments above ground floor commercial, there shall be no density limit
Side yard	A zero side setback may be permitted where a fire wall is provided along the side lot line; where a fire wall is not provided, buildings shall be spaced a minimum of 10 ft.

## General Commercial Building Placement



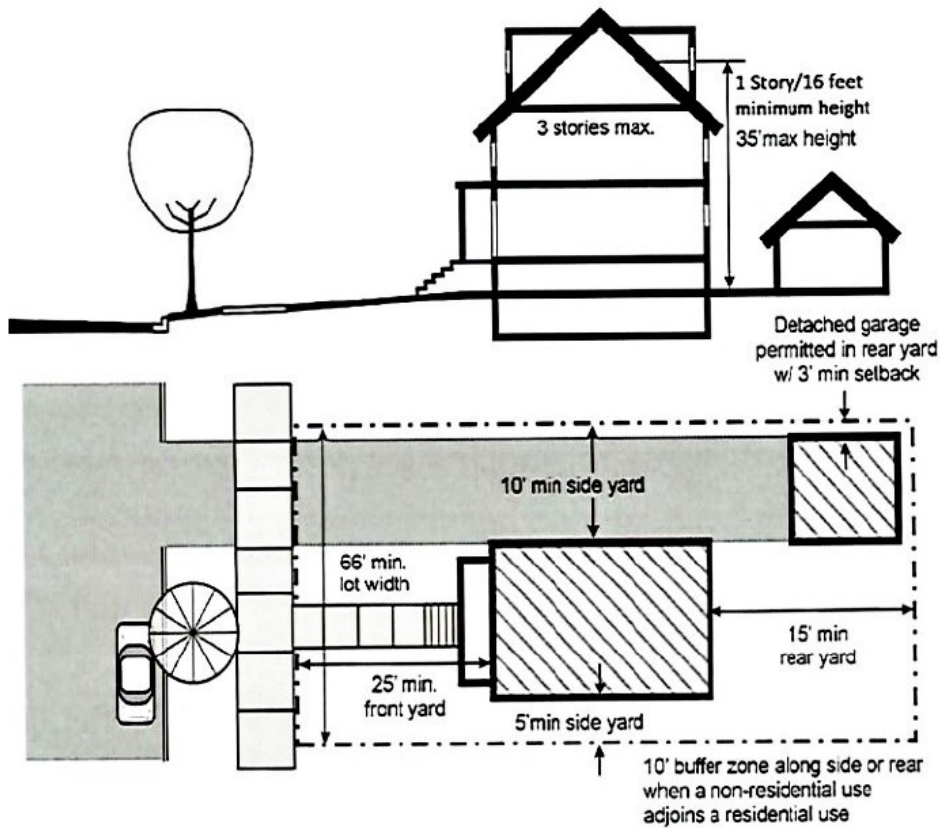
(F) USG, Union Street Gateway District. All lots and buildings in the Union Street Gateway District shall meet the following dimensional requirements.

Accessory buildings	Accessory buildings shall be subject to the requirements of § 154.059(G)
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Buffer from residential	Where the side or rear adjoins residential, a 10-ft. buffer zone shall be provided in accordance with § 154.060(D)(4)
Building height	Minimum 1 story/16-ft. building height; maximum 3 stories/35-ft. building height
Floor area	Minimum 1,000 sq. ft. of floor area for single-family dwellings; minimum 650 sq. ft. of floor area each for two-family dwellings, townhouses, multiple-family dwellings and live-work units
Front yard	Minimum 25-ft. front yard setback
Lot area	Minimum 8,700-sq. ft. lot area
Lot coverage	Maximum lot coverage is 30% for single- and two-family dwellings
Lot width	Minimum 66-ft. lot width; corner lots must be at least 80 ft. wide along the front property line
Parking	No parking shall be allowed in the front yards facing Michigan Avenue, except for a residential driveway
Rear yard	Minimum 15-ft. rear yard setback
Residential density	Minimum 3,000 sq. ft. of lot area for each dwelling unit
Side yard	Minimum 5-ft. on one side; 15 total of both



### USG District Building Placement

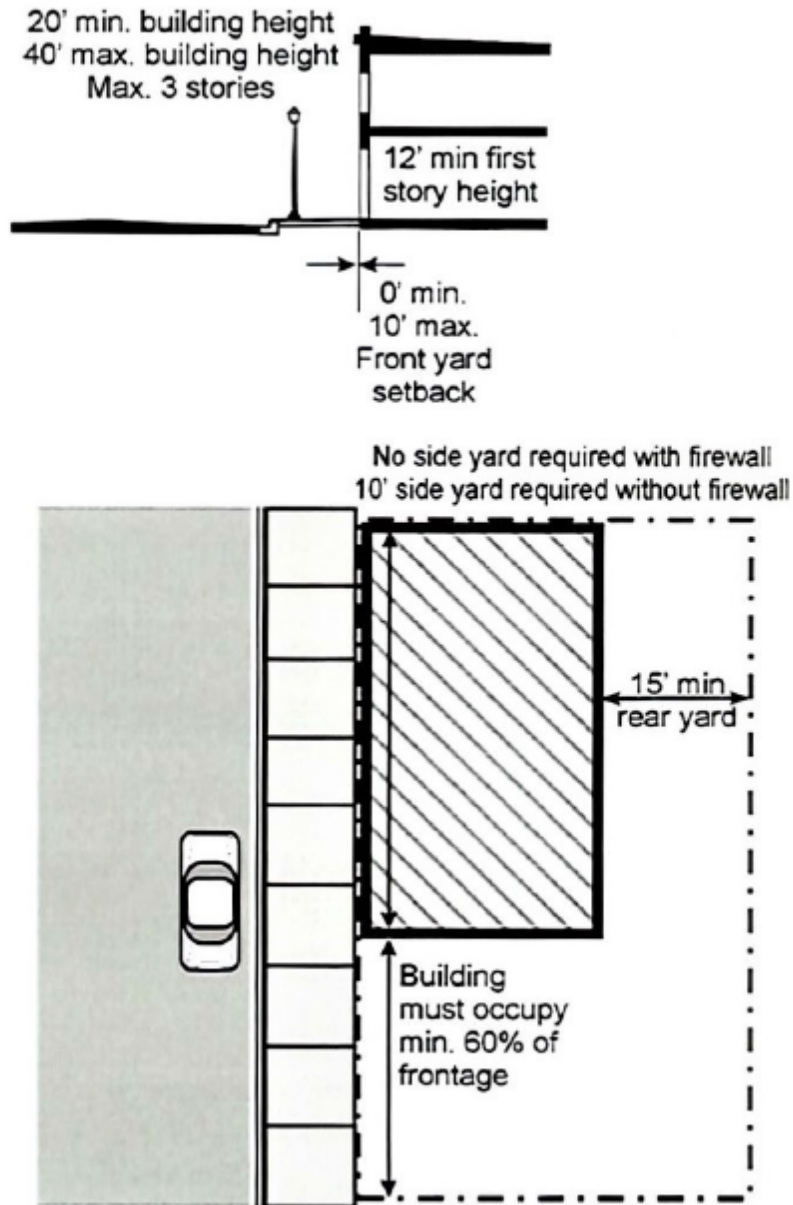


(G) CBD, Central Business District. All lots and buildings in the Central Business District shall meet the following dimensional requirements.\*

**REFER TO TABLE IN MUNICODE, SECTION 154.058(G)**



### CBD Building Placement

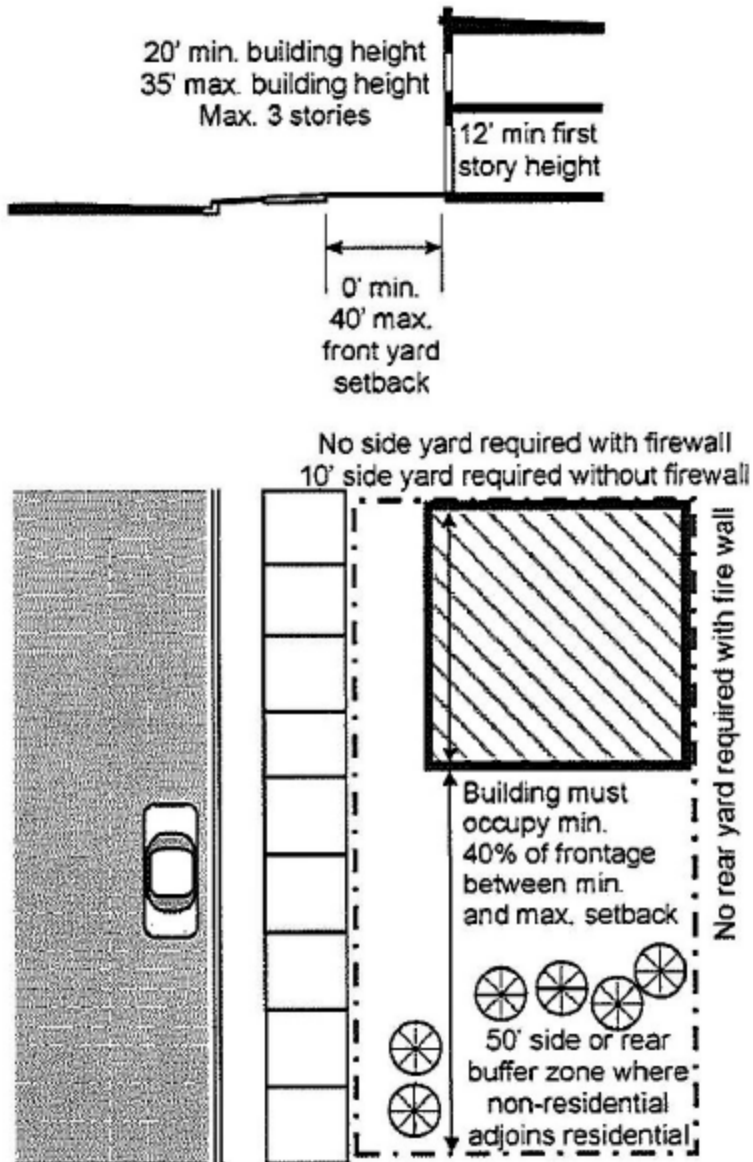


(H) LI, Light Industrial. All lots and buildings in the Light Industrial shall meet the following dimensional requirements.

Accessory buildings	Accessory buildings shall be subject to the requirements of § 154.059(G)
Building frontage requirements	Building facade shall occupy a minimum of 40% of the frontage length between the minimum and maximum setback

Building height	Minimum 1 story/20-ft. building height, maximum 3 stories/35-ft. building height; the first story shall be a minimum of 12 ft. in height measured from floor to ceiling
Floor area	Minimum 650 sq. ft. of floor area for each dwelling unit
Front yard	Minimum 0-ft., maximum 40-ft. front yard setback
Lot area	No minimum lot area
Lot width	No minimum
Parking	Not more than a single row of parking shall be permitted in the front yard between the building and the street; side and rear yard parking is permitted
Rear yard	No rear yard setback is required except where an industrial use adjoins a residential use or residential zoning district
Residential density	Minimum 3,000 sq. ft. of lot area for each dwelling unit (live-work units only)
Setback from residential	Where the side or rear of a nonresidential use adjoins a residential district, a 50-ft. setback and a buffer zone meeting the requirements of § 154.060(D)(4) shall be provided
Side yard	A zero side setback may be permitted where a fire wall is provided along the side lot line not located adjacent to a residential district; where a fire wall is not provided, space buildings a minimum of 10 ft.

## Industrial Building Placement



(Ord. passed 5-20-2009, § 4.3.4; Ord. passed 12-15-2015; Ord. passed 12-19-2023)

## § 154.059 BUILDING DESIGN REQUIREMENTS.

The uses permitted in § 154.057(B) of this code shall be located in a building type specified in § 154.057(B). The building type must meet general classifications of this section. Existing buildings that do not conform to the design requirements of this shall not be considered nonconforming structures; however, any exterior modifications shall bring the building closer to conformity with this section.

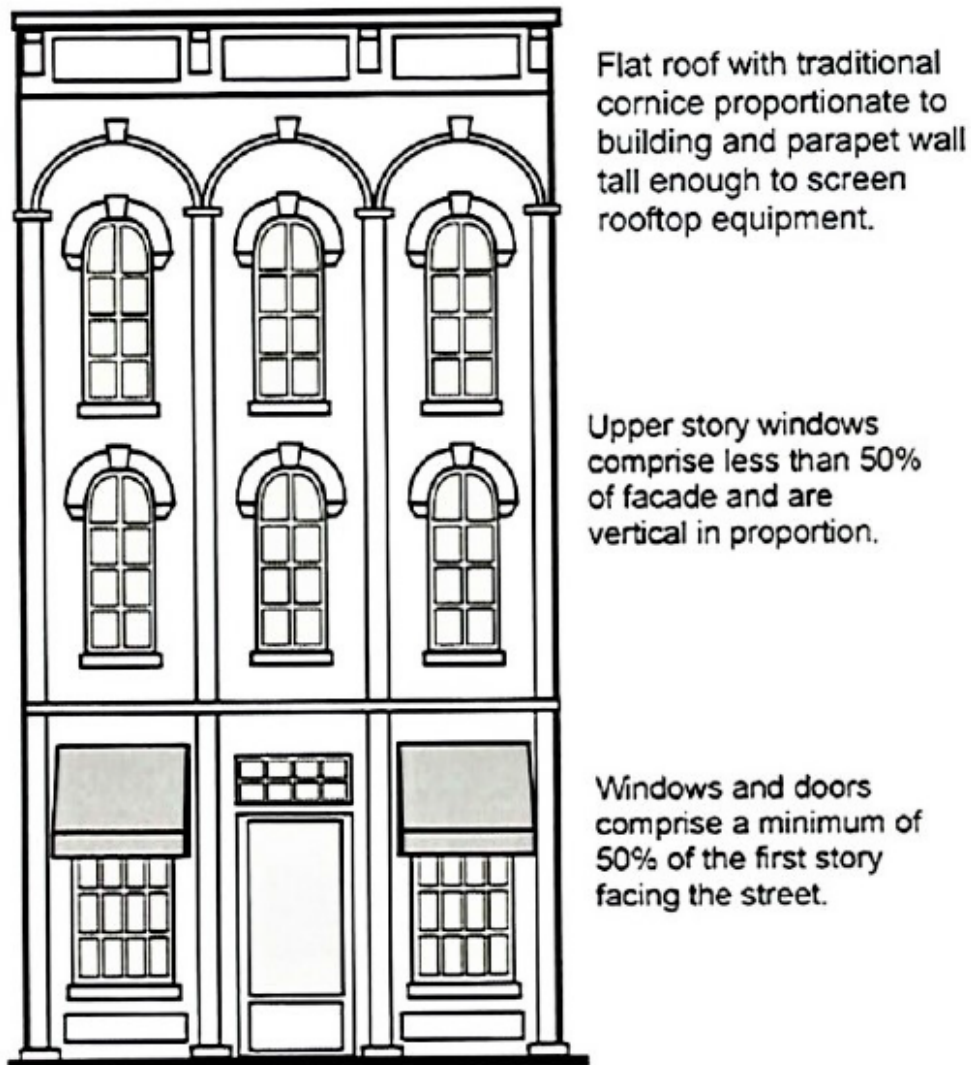
(A) General commercial and mixed-use buildings.

(1) All commercial buildings and mixed-use buildings that contain non-residential and residential uses, such as retail on the ground floor and residential on upper floors and live-work units, shall meet the following requirements.

Blank walls	Blank walls (without windows) longer than 20 ft. shall not face a street, and building walls shall be articulated with wall projections/recessions, variable materials, colors or details to visually break up the wall
Entrance	There shall be a minimum of 1 usable pedestrian entrance along the front public sidewalk; main pedestrian entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas
Flat roof buildings	Buildings with a flat roof appearance from the street shall have a decorative cornice; flat roofs shall be enclosed by parapets
Front facade	A front facade wall that faces a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials
Garage doors	Garage doors shall not be permitted on a front facade; however, openings for drives leading to parking and loading areas are permitted
Ground floor	At least 50% of the ground floor facade facing the street between 2 and 10 ft. above the sidewalk shall be clear windows and doorways
Mechanical equipment screening	All rooftop HVAC mechanical mounted equipment shall be screened from view on all sides of the building; parapets and other screening treatment shall use high-quality building materials and shall blend with the design of the building in terms of color, materials, scale and height; mechanical equipment on buildings with a pitched roof shall be on the back half of the building and shall be concealed such that it is not visible from the ground
Pitched roof buildings	Buildings with a pitched roof shall be permitted where the roof pitch is between a minimum of 4:12 and a maximum of 12:12
Secondary facade	For a building located on a corner lot, the second front facade facing the lesser traveled street may have the above door and window requirement of the first floor reduced to one-half the required amount

	of fenestration, provided the secondary facade is not facing Michigan Avenue
Upper floor windows	Openings above the first story shall be a maximum of 50% of the total facade area; windows above the first story shall be vertical in proportion

(2) Image:



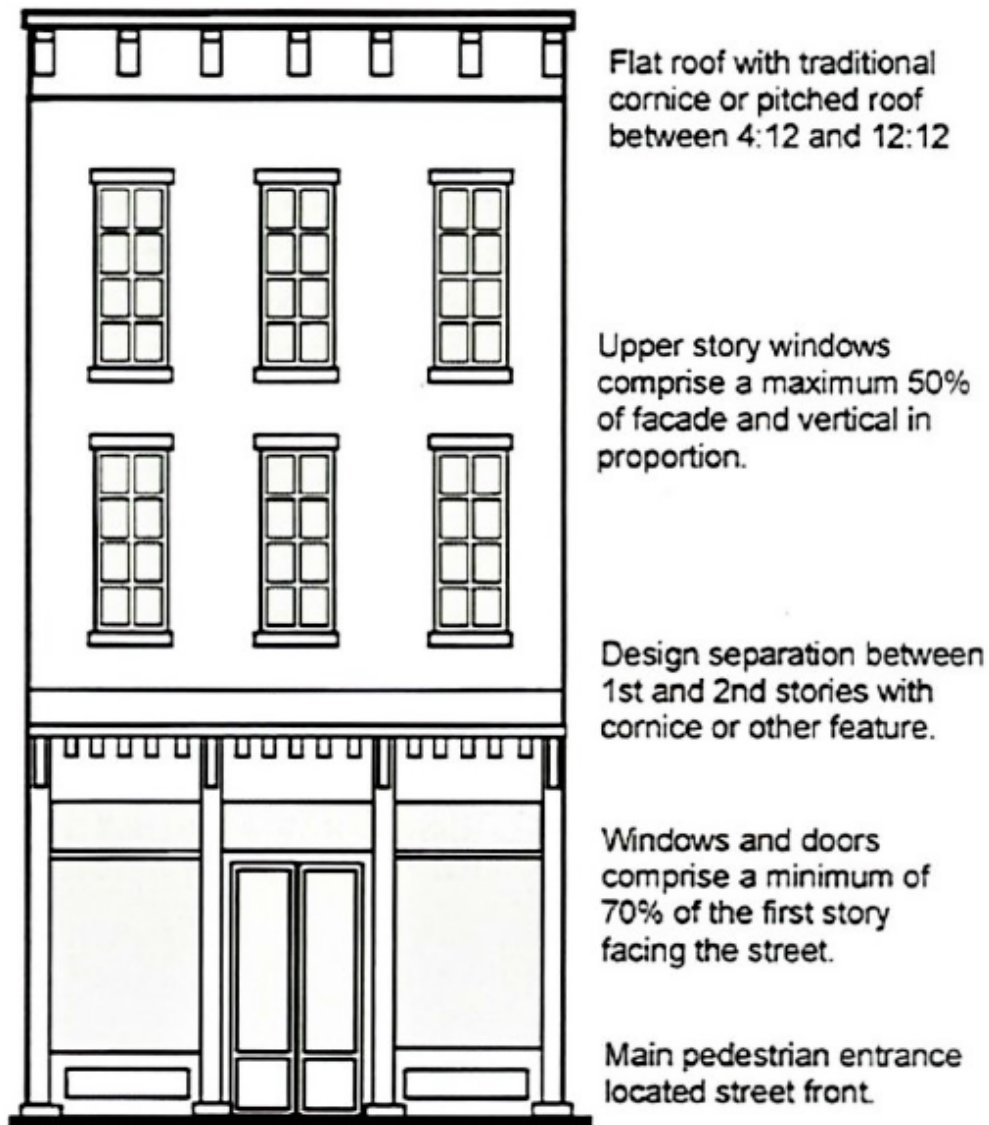
(B) CBD storefront buildings.

(1) All buildings in the CBD must meet the following requirements, except for cottage shop buildings and civic/institutional buildings.

Blank walls	Blank walls (without windows) longer than 20 ft. shall not face a street, and building walls shall be articulated with wall projections/recessions, variable materials, colors or details to visually break up the wall
Entrance	There shall be a minimum of 1 usable pedestrian entrance every full 50 ft. of frontage along the front public sidewalk; main pedestrian entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas
Flat roof buildings	Buildings with a flat roof appearance from the street shall have a decorative cornice; flat roofs shall be enclosed by parapets
Garage doors	Garage doors shall not be permitted on a front facade; however, openings for parking structure entrances and drives leading to loading areas are permitted
Ground floor storefront	Ground floors shall be designed with storefronts that have windows, doorways and signage which are integrally designed and painted; storefront buildings shall be designed to create a distinct and separated ground floor area through the use of accent, such as a string course, change in material or textures or an awning or canopy between the first and second stories
Ground floor windows and doors	Not less than 70% of the storefront/ground floor facade facing the street between 2 and 10 ft. above the sidewalk shall be clear windows and doorways; glass areas on storefronts shall be clear or lightly tinted; mirrored glass is prohibited; required window areas shall allow views into retail space, working areas, lobbies, pedestrian entrances or display windows; windows shall not be blocked with opaque materials or the back of shelving units
Mechanical equipment screening	All rooftop HVAC mechanical mounted equipment shall be screened from view on all sides of the building; parapets and other screening treatment shall use high-quality building materials and shall blend with the design of the building in terms of color, materials, scale and height; mechanical equipment on buildings with a pitched roof shall be on the back half of the building and screened on all sides so it is not visible from the ground
Pitched roof buildings	Buildings with a pitched roof shall be permitted where the eaves are at least 20 ft. from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12
Secondary facade	For a building located on a corner lot, the second front facade facing the lesser traveled street may have the above door and window requirement of the first floor reduced to one-half the required amount

	of fenestration, provided the secondary facade is not facing Michigan Avenue
Upper floor windows	Openings above the first story shall be a maximum of 50% of the total facade area; windows above the first story shall be vertical in proportion

(2) Image:



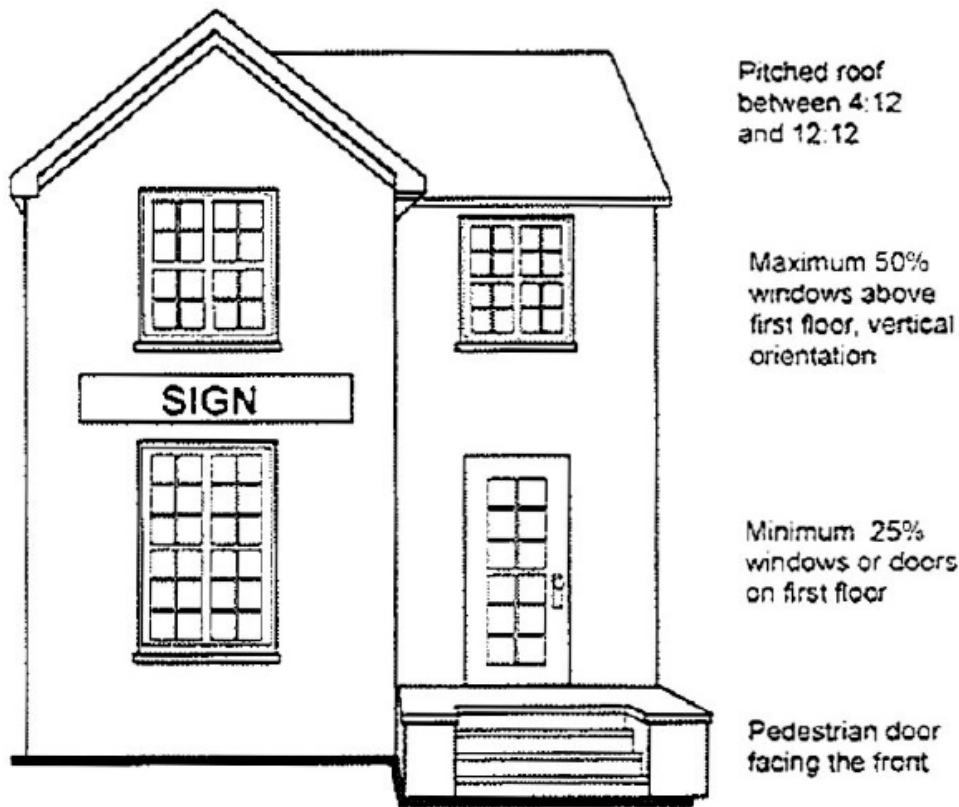
(C) Cottage shop building.

(1) Buildings that were originally constructed as single-family residences and converted to a nonresidential use or constructed to appear as residential conversions shall meet the following requirements.

Blank walls	Blank walls (without windows) longer than 20 ft. shall not face a street, and building walls shall be articulated with wall projections/recessions, variable materials, colors or details to visually break up the wall
Front facade	There shall be a minimum of 1 usable pedestrian entrance along the front public sidewalk
Garage doors	Garage doors shall not be permitted on a front facade
Ground floor windows and doors	Not less than 25% of the ground floor facade facing a street shall be clear windows and doorways
Roof design	Buildings with a pitched roof shall be permitted where the eaves are at least 20 ft. from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12
Upper floor windows	Openings above the first story shall be a maximum of 50% of the total facade area; windows above the first story shall be vertical in proportion

(2) Image:





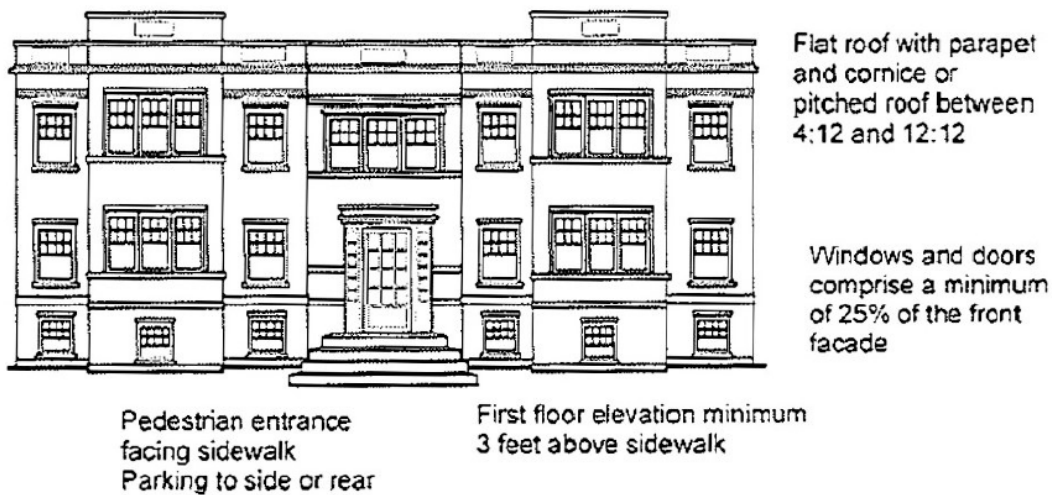
(D) Apartment buildings.

(1) Apartment buildings that contain only multiple-family dwellings shall meet the following design requirements. Multiple-family dwellings located in mixed-use buildings shall be subject to the general commercial/mixed-use building or the CBD storefront building design requirements in divisions (A) and (B) above. Apartment buildings are considered buildings with common entrances; where dwellings have individual entrances, they shall be subject to the townhouse design standards of division (E) below.

Entrance	There shall be a minimum of 1 pedestrian entryway facing the front lot line with a front stoop; the stoop or porch shall have a minimum depth of 4 ft. and a minimum area of 24 sq. ft.; ADA-compliant access ramps that connect to the stoop may project into the front yard
First floor elevation	The first floor elevation shall be a minimum of 3 ft. above the average exterior sidewalk elevation in front of the building

Parking and carports	Off-street parking lots and carports or garages shall be located in the side or rear yard
Roof design	Buildings with a flat roof appearance from the street shall have a decorative cornice; buildings with a pitched roof shall be permitted where the eaves are at least 20 ft. from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12
Windows and doors	The front facade of all residential units shall be a minimum of 25% and a maximum of 75% windows and doorways

(2) Image:



(E) Townhouses.

(1) Attached/townhouse dwellings shall meet the following design requirements.

Entrance	Each dwelling shall provide a separate pedestrian entryway facing the front lot line, with direct access to the outdoors at ground level by way of a front porch or stoop with steps
First floor elevation	The first floor elevation shall be a minimum of 3 ft. above the average exterior sidewalk elevation in front of the building
Front porch or stoop	All dwellings shall include a front stoop or porch; the stoop or porch shall have a minimum depth of 4 ft. and a minimum area of 24 sq. ft.; ADA-compliant access ramps that connect to the stoop may project into the front yard

Garages	Attached or detached garages shall be located in the rear yard or on the rear side of the building and shall be accessed by a rear alley or drive
Roof design	Buildings shall be designed with a pitched roof with eaves at least 20 ft. from the ground, and the roof pitch is between a minimum of 4:12 and a maximum of 12:12
Windows and doors	The front facade of all residential units shall be a minimum of 25% and a maximum of 50% windows and doorways

(2) Image:



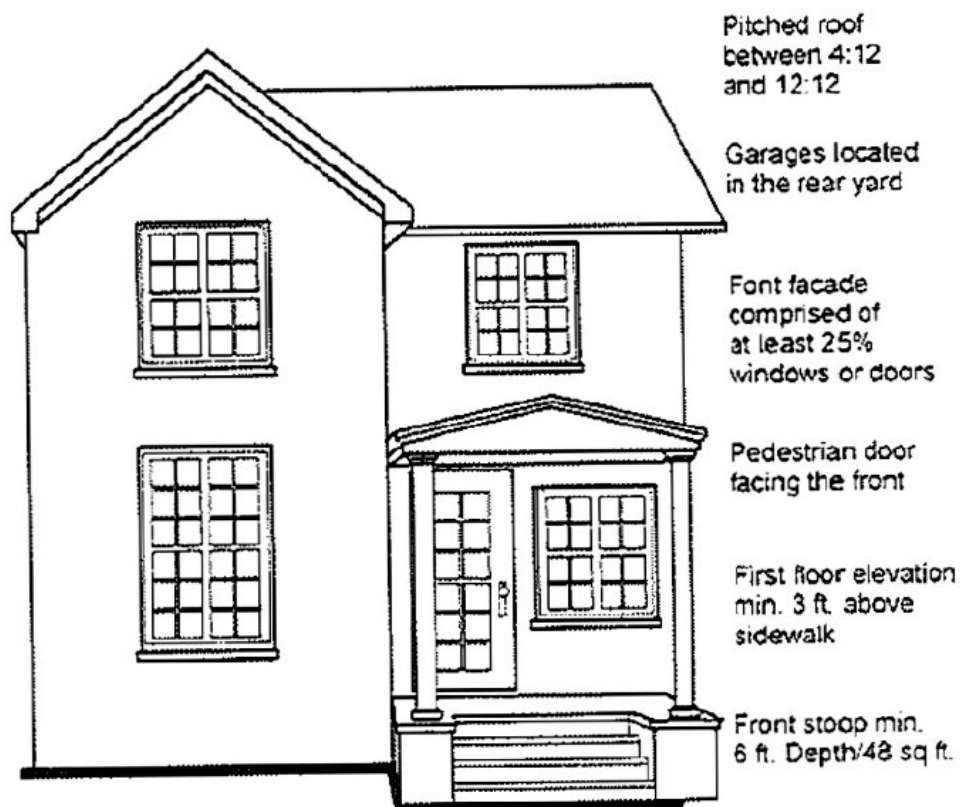
(F) Detached single- and two-family dwellings.

(1) Single-family detached dwellings and duplex dwellings shall meet the following design requirements.

Entrance	All buildings shall provide at least 1 pedestrian door facing the front lot line; two-family dwellings may have 1 unit with a door on the side
First floor elevation	The first floor elevation shall be a minimum of 3 ft. above the average exterior sidewalk elevation in front of the building
Front porch or stoop	All dwellings shall include a front porch or stoop with steps; a minimum depth of 6 ft. and a minimum area of 48 sq. ft. shall be provided on single-family detached dwellings and duplex dwellings; duplex units may share a single front porch

Garages	Detached garages shall be located in the rear yard; garages may be accessed by a rear alley or by driveways that pass through the side yard of the lot; front-facing attached garages shall be permitted, provided they do not project past the front building line and do not encompass more than 50% of the total building width
Roof design	Buildings shall be designed with a pitched roof with eaves at least 20 ft. from the ground, and the roof pitch is between a minimum of 4:12 and a maximum of 12:12
Windows and doors	The front facade of all residential units shall be a minimum of 25% and a maximum of 50% windows and doorways

(2) Image:

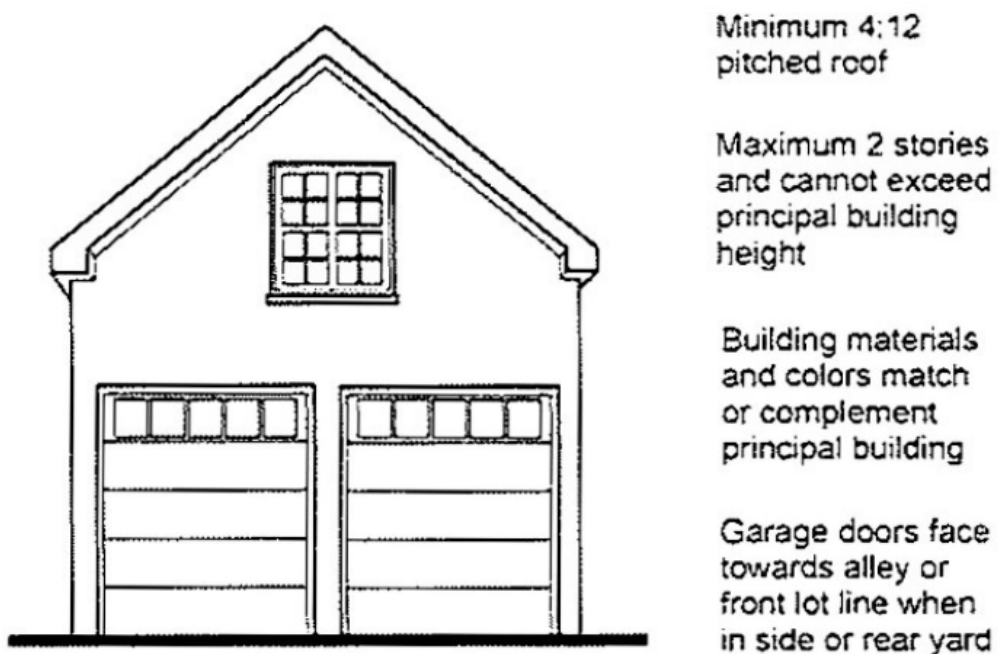


(G) Accessory buildings.

(1) Detached accessory buildings shall meet the following design requirements.

Building materials	The building materials and colors of the accessory building shall match or complement at least one of the materials used on the principal building
Garage doors	Garage doors may not face towards a street unless they are located in the rear or side yard; garage doors may face an alley
Height	Detached residential accessory buildings may not exceed 16 ft. and 2 stories in height, provided the roof does not exceed the height of the principal building; commercial or industrial accessory buildings shall be subject to the principal building height restrictions
Location	Detached accessory buildings shall only be located in the side or rear yard
Roof	Residential accessory buildings shall be designed with a minimum of 4:12 roof pitch; commercial or industrial accessory buildings may have a flat roof
Setbacks	Accessory buildings shall be a minimum of 3 ft. from the side and rear lot line and shall be a minimum of 10 ft. from any other building, including the main building or accessory buildings on adjacent lots

(2) Image:

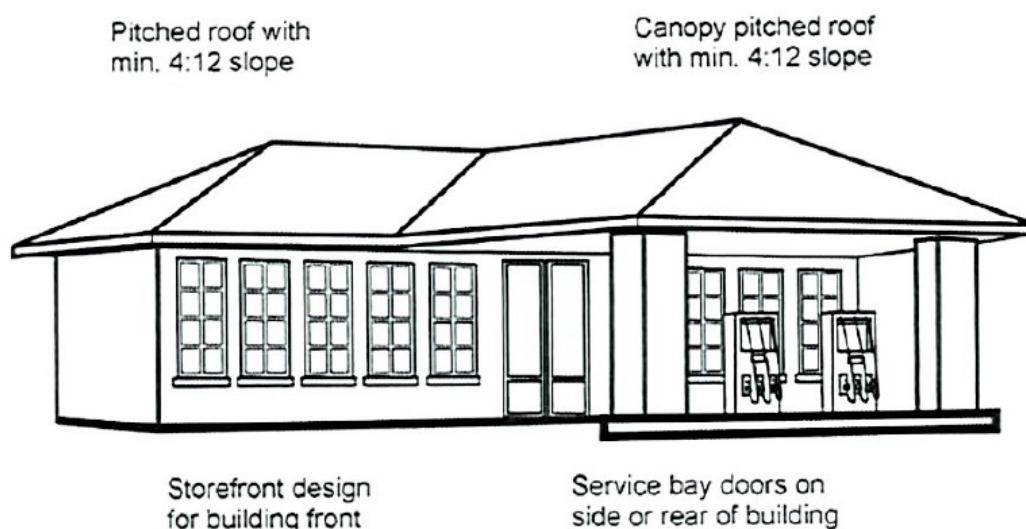


(H) Auto service uses.

(1) Service stations and other automobile-oriented uses, such as car washes and vehicle maintenance uses, shall meet the following design requirements. A lot containing an auto service use shall not be located within 300 feet of a lot containing the same type of auto service use or a use with an accessory drive-through window.

Access	Not more than 1 driveway shall be provided directly from the auto service use to a public street; on a corner lot, a second access can be allowed (one to each street)
Building design	The building shall meet all of the design requirements for a storefront building
Building height	A single story building may be permitted, provided the building has a pitched roof with a minimum 4:12 slope
Canopy	The canopy over the fueling pumps shall have a pitched roof with a minimum 4:12 slope; support posts for the canopy shall be brick or stone; the canopy shall be attached to the building roof
Fueling pumps	Not more than 4 fueling pumps may be located in the Michigan Avenue front yard, provided there is a 10 ft. landscape greenbelt along the frontage
Service bay doors	Service bay doors shall be located on the side or rear of the building and shall not be on the front facade facing Michigan Avenue
Storage	There shall be no outside storage of vehicle parts or other materials; long-term storage of vehicles for longer than 48 hrs. shall be located in the rear yard and shall be screened by a minimum 6-ft. tall opaque fence

(2) Image:



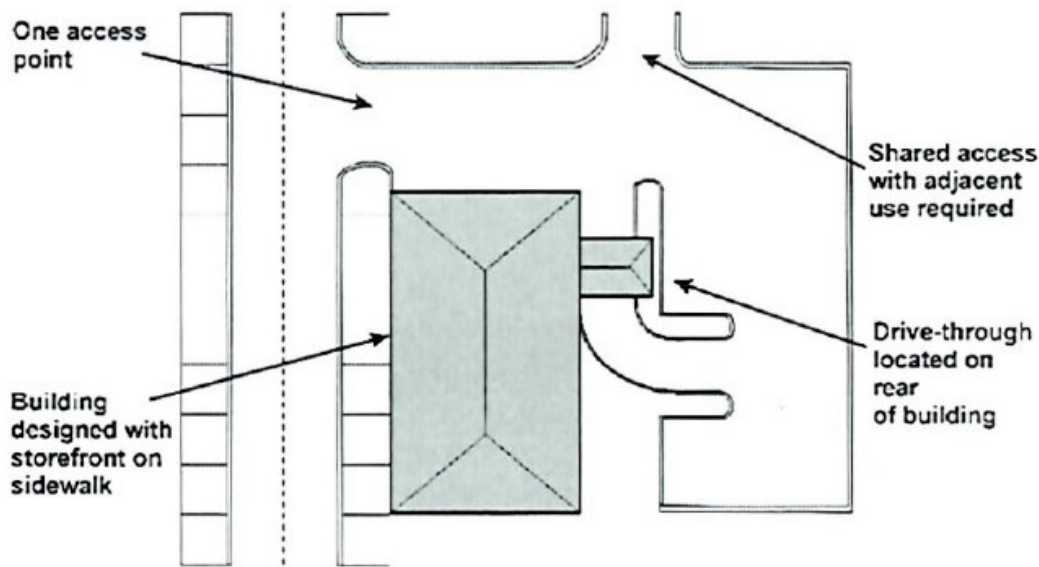
(I) Accessory drive-through uses.

(1) (a) Drive-through windows that are accessory to restaurants, banks, retail uses such as pharmacies and service uses such as dry cleaners shall meet the following design requirements. A lot containing a use with an accessory drive-through window shall not be located within 300 feet of another lot containing a use with an accessory drive-through window or an auto service use.

(b) The 300-foot spacing does not apply to automobile service stations or a drive-through service accessory to a bank, loan or financial office in the Union Street Gateway District.

Access	Not more than 1 driveway shall be provided to a public street; the driveway may be shared with an adjacent use or easement provided to allow future shared use
Building	The drive-through structure shall complement the design of the principal building; canopy design shall also be compatible with the design of the principal building and incorporate similar materials and architectural elements
Drive-through location	The drive-through shall be attached to the rear or side of the building where it is least visible from a street
Number of lanes	Not more than 1 drive-through window, teller or lane shall be permitted on a building or site; a drive-through service accessory to a bank, loan or financial office in the Union Street Gateway (USG) District may have up to 3 drive-through windows, tellers or lanes

(2) Image:



(a) The storefront on sidewalk requirement found in the image in division (I)(2)(b) below does not apply in the Union Street Gateway District, which has a minimum 25-foot front yard setback.

(b) Requirements are depicted as follows.

(J) Industrial buildings.

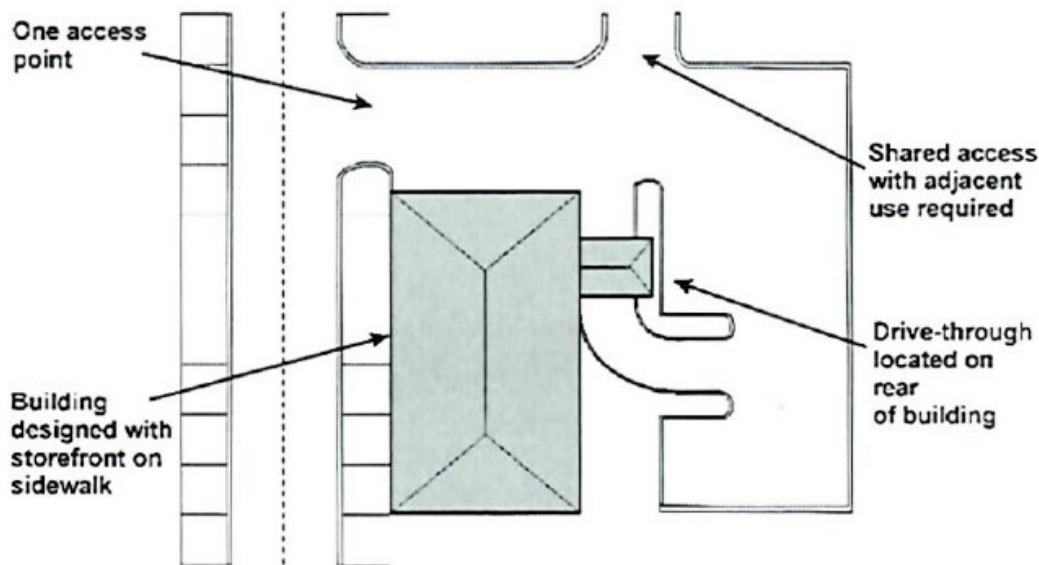
(1) All industrial buildings shall meet the following requirements.

Front facade	The front facade facing the street shall meet the building material requirements of division (L) below
Garage doors and loading docks	Garage doors and loading docks shall not be permitted on a front facade; all loading areas shall be located in the rear yard
Mechanical equipment screening	All rooftop HVAC mechanical mounted equipment shall be screened from view on all sides of the building; parapets and other screening treatment shall use high-quality building materials and shall blend with the design of the building in terms of color, materials, scale and height
Side and rear facades	The side and rear facades of the building that do not face a public street shall be exempt from the building material requirements of division (L) below; for a corner lot, the side facade facing a street shall also be subject to the front facade design requirements above



Windows and doors	The front facade shall consist of a minimum of 25% windows and doors
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(2) Image:



(K) Civic/institutional buildings.

(1) The design of an institutional or community service building, such as a church, school, government office or post office, is subject to review and approval by the Planning Commission. The intent is to allow flexibility in the design and siting of these unique buildings that serve a public use while ensuring their positive contribution to a desired community character, as stated in § 154.055 of this code.

Entrance	There shall be a minimum of 1 usable pedestrian entrance along the front public sidewalk; main pedestrian entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas
Front facade	Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials

Front setback	Civic/institutional buildings may exceed the maximum front yard setback of the district where a pedestrian plaza or landscaped front yard is provided
Prominent design	The standards for general commercial and mixed-use buildings contained in § 154.059(A) of this code shall be used as a basis for the design of civic/institutional buildings; however, the Planning Commission may permit modifications from these standards based upon the unique needs for the building and the desire to create unique landmark features with civic/institutional buildings

(2) Image:



(L) Building materials.

(1) Permitted materials. All buildings shall contain quality building materials in keeping with the character of traditional buildings in the village. Permitted materials for exterior walls (exclusive of windows and doors) clearly visible from a street or parking lot shall be limited to the following.

Building Material	Primary Material	Trim Material
Building Material	Primary Material	Trim Material
Brick or tile masonry (panel brick, tilt-up brick or textured paneling not permitted)	Permitted	Permitted
Fiber cement siding (such as Hardie-Plank) or vinyl siding	Permitted	Permitted

Gypsum reinforced fiber concrete (GRFC—for trim elements only)	- -	Permitted
Metal (for beams, lintels, trim elements and ornamentation only)	- -	Permitted
Native stone (or synthetic equivalent)	Permitted	Permitted
Pre-cast masonry (for trim and cornice elements only)	- -	Permitted
Split-faced block (only for piers, foundation walls and chimneys)	- -	Permitted
Stucco (cementitious finish)	Permitted	Permitted
Wood lap siding	Permitted	Permitted

(2) Percent of visible wall material. Primary building material shall comprise at least 75% of the visible wall materials. Trim material shall comprise not more than 25% of the visible wall materials. Wall area calculations are exclusive of windows and doors.

(3) Approval of other materials. Provided the appearance is in keeping with the traditional architectural character of the village, other materials not listed in division (L)(1) above that are of the same or higher quality in terms of durability and appearance/texture similar to brick, stone or wood may be approved by the Planning Commission.

(4) Materials prohibited in visible areas. Wall materials, including panel brick, tilt-up brick textured paneling, plain, smooth-face or scored concrete masonry units, exterior insulation and finish system (EIFS), corrugated metal paneling and fiberglass sheeting are prohibited for walls that are clearly visible from streets, parks, civic squares and civic greens.

(M) Awnings and marquees. Storefronts and building entrances may be enhanced by awnings or marquees which give shade and shelter or add color and visual interest to the entry or display window of the storefront, provided that the following conditions are met.

(1) Projection and clearance. Awnings and marquees may project over a sidewalk; however, there must be a minimum eight-foot clearance provided from the sidewalk.

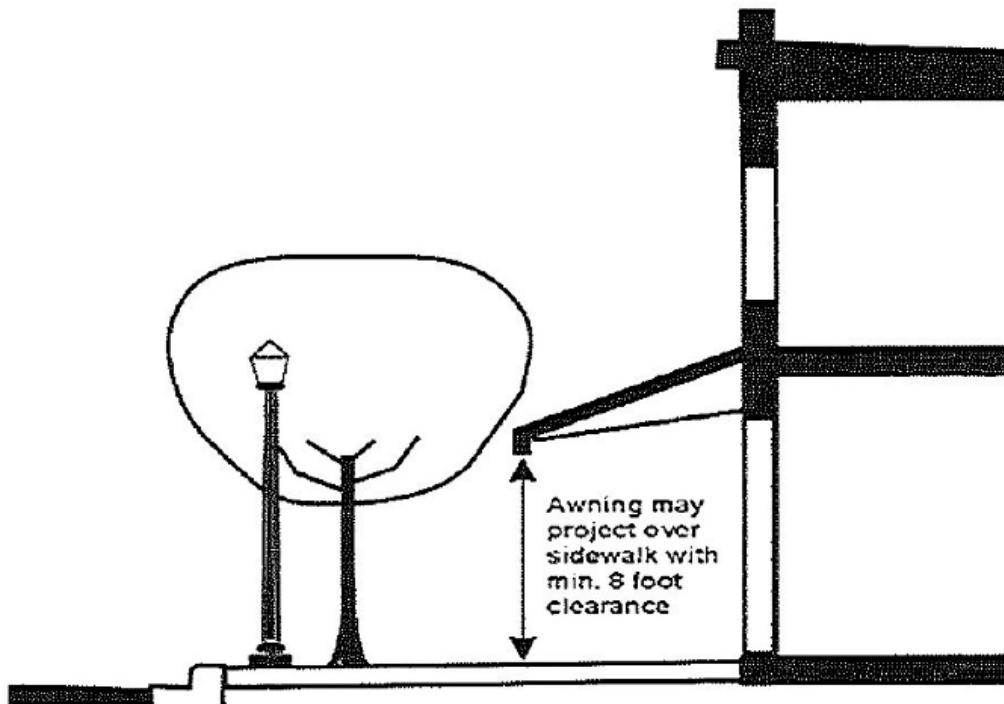
(2) Shade, shelter provision. Awnings and marquees shall be functional and provide shade or shelter for pedestrians over a substantial portion of the sidewalk.

(3) Positioning. Awnings shall be positioned immediately above ground floor windows and have a straight shed that projects from the building.

(4) Construction materials. Awnings shall be constructed of durable materials, such as canvas or steel, that will not fade or tear easily. Plasticized, rigid, cubed or curved awnings or mansard-style canopies are prohibited.

(5) Illumination. Awnings shall not be internally illuminated, and any signs shall be illuminated by fixtures located above the awning and directed downward.

(6) Image.



(Ord. passed 11-16-2010, § 4.3.5)

## **§ 154.060 NONRESIDENTIAL SITE DESIGN REQUIREMENTS.**

(A) Parking. Each use shall be required to provide off-street parking in accordance with the requirements of §§ 154.225 to 154.234 of this code.

(1) Location. Off-street parking shall be located in the rear yard to the maximum extent practical. Parking may be permitted in the side yard where it is set back a distance equal to the building, does not occupy more than 40% of the frontage along the street and a three-foot tall brick screenwall that serves as an extension of the adjacent building is provided between the parking and the sidewalk.

(2) Shared parking. Uses on separate lots may enter into shared parking agreements. The amount of parking provided for all such uses shall equal the sum of the parking required for each individual use; provided, however, the Planning Commission may authorize a reduction in the total number of required parking spaces when it has been

determined that two or more uses can be adequately served by the same parking spaces by reason of the characteristics of the land uses and their hours of operation.

(B) Bicycle facilities. All developments with parking lots shall be designed to accommodate bicycle travel by providing bike racks.

(C) Loading. Off-street loading spaces shall be provided as required by §§ 154.245 to 154.248 of this code. Waivers to loading space requirements may be granted by the Planning Commission for uses, such as offices or banks, where deliveries by truck will not be necessary. Loading and outdoor storage areas shall be located in the rear yard or within loading bays that are surrounded or enclosed by buildings and not visible from the street. Loading areas not within loading bays shall be screened from any adjacent use by a six-foot tall brick wall or other masonry material matching the primary building material.

(D) Landscaping and screening. Landscaping and screening shall be provided for as follows.

(1) Street trees. One street canopy tree shall be provided for each 40 feet of street frontage. Street trees shall be minimum two and one-half-inch caliper canopy trees.

(2) Parking lot landscaping. Parking lots shall be landscaped with one canopy tree for every ten parking spaces. Parking lots that are located in a rear yard and are not visible from the street shall be exempt from this requirement.

(3) Parking lot screening. Where parking is visible from a street, it shall be screened by a three-foot tall screen wall located between the parking lot and the sidewalk. Where a parking lot for a nonresidential use is adjacent to a residential use or district, a six-foot tall brick screen wall or wooden fence, as approved by the Planning Commission, shall be provided between the parking lot, including drives, and the residential use or district.

(4) Buffers. A ten-foot wide landscape buffer shall be installed between any nonresidential building and any adjacent residential use. The buffer shall include a three-foot high berm planted with one tree and four shrubs for every 20 linear feet of shared property line. Trees shall consist of minimum two and one-half-inch caliper canopy trees or minimum six-foot tall evergreen trees.

(E) Screen walls. Where required, screen walls must meet the following requirements.

(1) Height. All screen walls must be at least 36 inches in height measured from the highest grade on either side of the wall location.

(2) Construction. Walls shall be constructed of brick not less than eight inches thick and shall have a pointed, 45-degree limestone or brick cap that overhangs the wall not less than one-half inch on each side. Brick walls must be constructed on a continuous foundation.

(3) Ornamental fencing. Wrought iron fencing or other similar ornamental fencing may be used, provided its design uses brick piers and it is installed along with a continuous hedge row.

(F) Waste receptacles. Waste receptacles shall not be visible from the street and shall be located in the rear yard. Waste receptacles over 55 gallons in size shall be enclosed by a six-foot tall wall constructed of brick or other masonry material matching the primary building material. Multiple businesses may share a waste receptacle, provided there is a recorded agreement for shared use and maintenance. Uses with multiple smaller trash cans shall keep the trash cans in some form of screened enclosure.

(G) Outdoor lighting. All outdoor lighting used to light the general area of a nonresidential site shall be shielded to reduce glare and shall be arranged to reflect lights away from all adjacent residential districts or adjacent residences in accordance to the standards below.

(1) Light level. Light shall not exceed more than one-half foot-candle at a residential lot line. Light shall not exceed more than one foot-candle at a nonresidential lot line, except along the road frontage. The maximum light level on the site shall be ten foot-candles. Light levels under canopies, such as gas stations or drive-through banks, may be increased up to a maximum of 20 foot-candles.

(2) Direction of light. Outdoor lighting fixtures, including parking lot lights and wall-packs, shall be downward-directed, shielded, full cutoff fixtures. Lighting shall be directed toward and confined to the ground areas of lawns or parking lots, except for ornamental lighting. Ground-mounted floodlights must be directed onto structures in a manner that does not cause off-site glare.

(3) Ornamental lighting. Ornamental lighting, including pedestrian lighting and decorative wall sconces, may be permitted if approved by the Planning Commission. Decorative lighting must be designed to limit light spill onto adjacent properties.

(4) Pole height. Light pole heights may not exceed 20 feet in height. Additional pole height may be allowed at road intersections, as approved by the Planning Commission.

(5) Neon lighting. Exterior neon lighting is not permitted.

(6) Street lights. Street lights shall be required in the CBD along Michigan Avenue and Lake Street.

(a) Placement shall be coordinated with street tree locations and should generally be placed every 60 feet on center.

(b) Electrical outlets must be included in the light design to allow for decorative holiday lighting.

(Ord. passed 5-20-2009, § 4.3.6) Penalty, see § 154.999

## § 154.061 STREETSCAPE REQUIREMENTS.

(A) The following typical street cross sections represent the desired street form for the various districts and streets noted. The following are typical street sections and may vary along their length based upon village engineering standards.

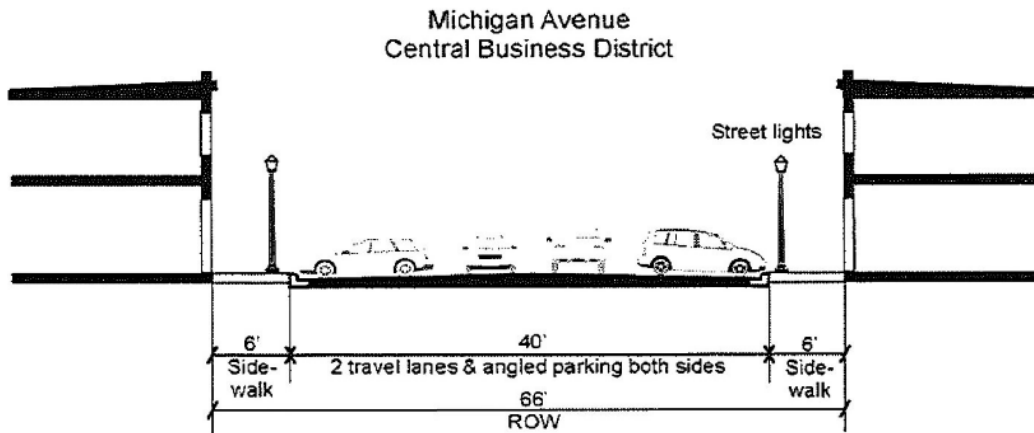
(1) Existing streets. An applicant shall not be required to make any improvements to the vehicular lanes located between the curbs for an existing public street. However, the applicant shall make all streetscape improvements outside of the street curb along the lot frontage as shown in the following cross sections, including sidewalks, curb-lawn landscaping and street trees.

(2) New streets or reconstruction. When an applicant proposes a new street or to reconstruct an existing street, they shall construct the street and associated streetscape improvements in accordance with the following street cross sections and all applicable village engineering and construction standards.

(B) Streetscape requirement details.

(1) Michigan Avenue CBD.

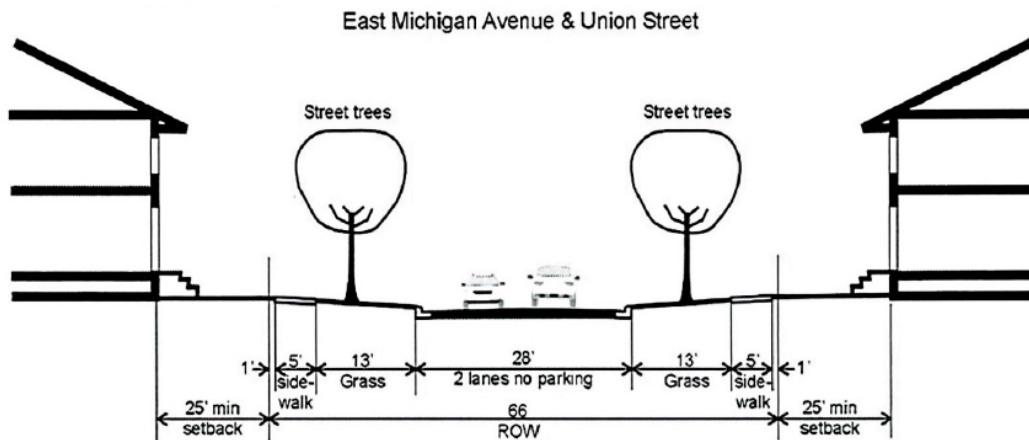
Curb-lawn	None
Parking	East of Lake Street, angled parking on both sides; west of Lake Street, angled on north side, parallel on south side
Right-of-way	66 ft., or as determined by MDOT
Roadway	40 ft., or as determined by MDOT; 2 travel lanes
Sidewalk	Minimum 6-ft. wide both sides
Street lights	Village street lights
Street trees	None required



(2) Michigan Avenue (outside CBD) and Union Street.

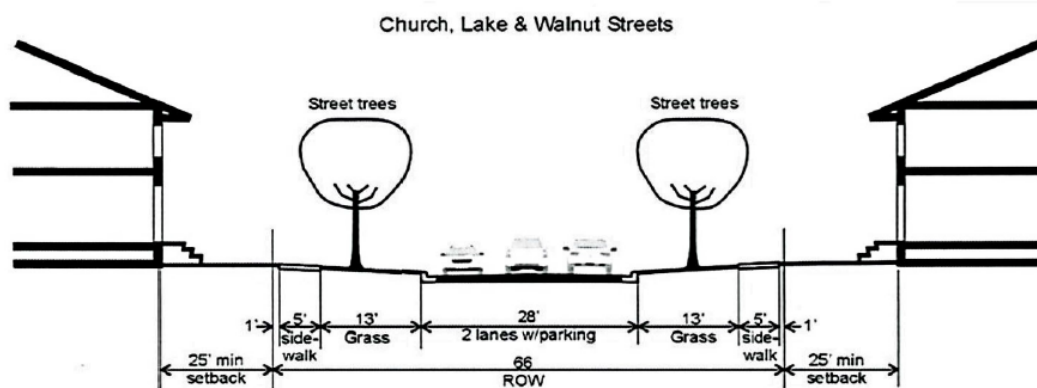
Curb-lawn	13 ft. grass between curb and sidewalk
Parking	No parking, except on-street parallel parking is allowed on Union Street, south of Michigan Avenue
Right-of-way	66 ft., or as determined by village
Roadway	28 ft., or as determined by MDOT; 2 travel lanes
Sidewalk	Minimum 5-ft. wide both sides
Street lights	None required
Street trees	Minimum 1 tree every 40 ft. in curb-lawn or in front yard within 15 ft. of front lot line





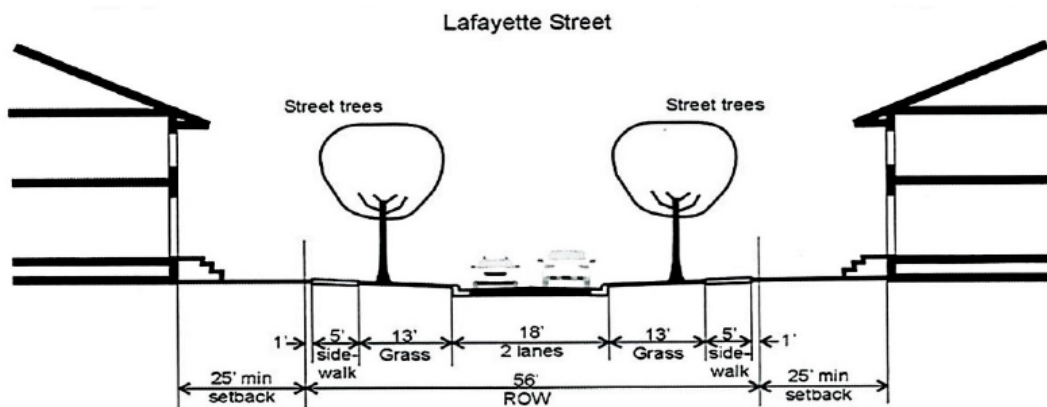
(3) Church, Lake and Walnut Streets.

Curb-lawn	13 ft. grass between road and sidewalk
Parking	Parallel parking both sides
Right-of-way	66 ft., or as determined by village
Roadway	28 ft., or as determined by village; 3 lanes (travel/parking)
Sidewalk	Minimum 5 ft.-wide both sides
Street lights	None required
Street trees	Minimum 1 tree every 40 ft. in curb-lawn or in front yard within 15 ft. of front lot line



(4) Lafayette Street.

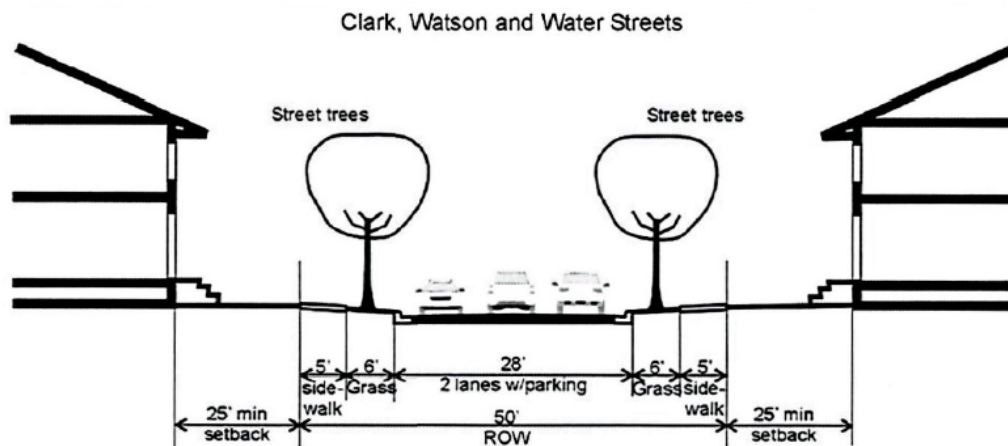
Curb-lawn	13 ft. grass between curb and right-of-way
Parking	Parallel parking on one side
Right-of-way	56 ft., or as determined by village
Roadway	18 ft., or as determined by village; 2 lanes (travel, no parking)
Sidewalk	Minimum 5 ft.-wide both sides
Street lights	None required
Street trees	Minimum 1 tree every 40 ft. in curb-lawn or in front yard within 15 ft. of front lot line



(5) Clark, Watson and Water Streets.

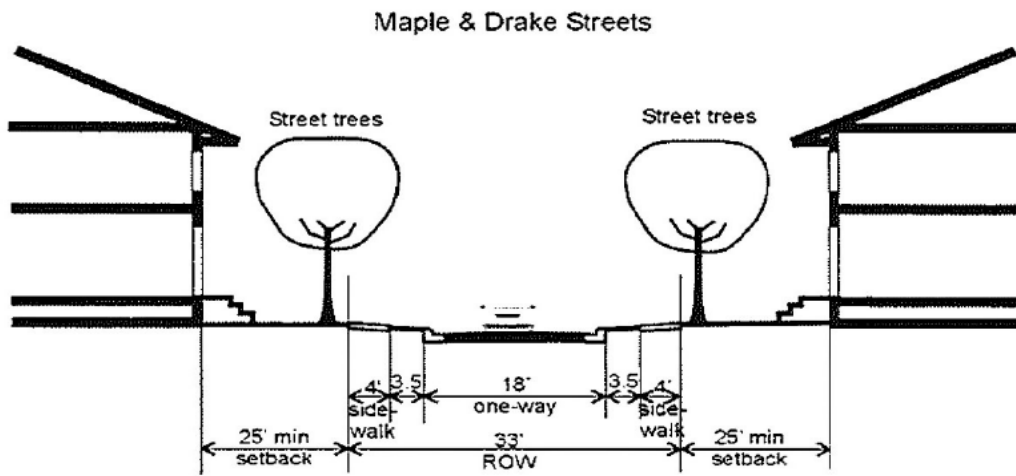
Curb-lawn	6 ft. grass between curb and right-of-way
Parking	Parallel parking both sides
Right-of-way	50 ft., or as determined by village
Roadway	28 ft., or as determined by village; 3 lanes (travel/parking)
Sidewalk	Minimum 5-ft. wide both sides
Street lights	None required

Street trees	Minimum 1 tree every 40 ft. in curb-lawn or in front yard within 15 ft. of front lot line
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(6) Maple and Drake Streets.

Curb-lawn	3.5 ft. grass between curb and sidewalk; 7.5 ft. grass area where there is no sidewalk
Parking	No parking
Right-of-way	33 ft., or as determined by village
Roadway	18 ft., or as determined by village; one-way
Sidewalk	Minimum 4-ft. wide both sides
Street lights	None required
Street trees	Minimum 1 tree every 40 ft. in front yard within 15 ft. of front lot line



(Ord. passed 5-20-2009 , § 4.3.7)

## USE STANDARDS FOR ALL ZONING DISTRICTS

### § 154.075 RESIDENTIAL USES.

(A) Dwelling units. All dwelling units shall be reviewed by the Building Official, subject to the following conditions.

(1) Dwelling units shall conform to all applicable village codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling. Dwelling units shall be constructed to the requirements of the Stille-DeRossett-Hale Single State Construction Code Act of 1972 (Public Act 230 of 1972, being MCL 125.1501 et seq., as amended) and of the National Manufactured Housing Construction and Safety Standards Act of 1974, being 42 U.S.C. §§ 5401 et seq., as amended.

(2) The setbacks, gross floor area and lot coverage of any proposed single-family dwelling unit shall comply with the standards set forth in the zoning district.

(3) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations that are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.

(4) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.

(5) Dwelling units shall have a roof with a minimum four-to-12 (4:12) pitch and minimum eight-inch eave, and with a drainage system that will collect and concentrate the discharge of stormwater or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt or other acceptable shingles and meet the snow load standards for southern Michigan.

(6) Dwelling units shall be oriented on the lot to be consistent with the configuration of dwelling units on adjacent properties and in the surrounding residential neighborhood. All dwelling units shall have a width-to-depth and depth-to-width ratio that does not exceed three-to-one (3:1). All dwelling units shall have a minimum width dimension of 24 feet.

(7) Dwelling units shall be oriented toward the public right-of-way such that the facade that faces the street is manifestly designed as a front facade containing a door, windows and other architectural features customary of the front facade of a residence. There shall be a minimum of two exterior doors, with one facing the street. All entrances shall be provided with steps, a stoop or a porch that is permanently attached on a frost-depth foundation, either to the perimeter wall or foundation.

(8) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

(9) All homes shall be anchored by an anchoring system approved by the village.

(10) (a) The Building Official may request a review by the Planning Commission of any dwelling unit with respect to divisions (A)(4), (5) and (6) above. The Planning Commission shall review the proposed dwelling at a hearing, where notice of such hearing shall be provided to all occupants of dwellings within 300 feet of the lot to contain the proposed dwelling. The Building Official or Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the village at large.

(b) In reviewing any such proposed dwelling unit, the Building Official may require the applicant to furnish such plans, elevations and similar documentation as the Building Official deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 20 similar-type dwellings shall be considered.

(11) The provisions of this section shall not apply to manufactured homes situated in licensed manufactured housing parks.

(12) Division (A)(8) above shall not apply to accessory dwelling units (ADUs). ADUs shall be subject to the requirements of division (F).

(13) Divisions (A)(5) through (A)(8) above shall not apply to economy efficient dwellings (EEDs). EEDs shall be subject to the requirements of division (G).

(B) Mobile home parks, subdivisions. Mobile home parks and subdivisions shall be subject to the following conditions.

(1) Each mobile home approved for erection on a mobile home subdivision lot shall be mounted on a solid concrete apron not less than 12 feet in width, 70 feet in length and four inches in thickness, or on a suitable foundation.

(2) Lot areas where a mobile home is to be erected, altered or used as a single-family dwelling shall contain not less than 10,000 square feet of lot area for each mobile home.

(3) The minimum lot width shall be 80 feet.

(4) The maximum lot coverage shall not exceed 30%.

(5) Each mobile home in the subdivision shall have a front yard setback of at least 30 feet.

(6) Each mobile home in the subdivision shall have side yard setbacks of at least eight feet.

(7) Each mobile home in the subdivision shall have a rear yard setback of at least 20 feet.

(8) No building or structure, or part thereof, shall be erected to a height exceeding 15 feet.

(9) All mobile homes to be erected and used in a mobile home subdivision shall contain a gross floor area of not less than 840 square feet.

(C) Home businesses.

(1) Home businesses shall be conducted solely by persons residing at the residence and/or with the assistance of one person who does not reside on the premises.

(2) All business activity shall take place within the interior of the dwelling or an accessory structure. There shall be no exterior storage of materials or equipment.

(3) No alteration to the exterior of the residential dwelling, accessory building(s) or yard that alters the residential character of the premises is permitted. Only a personal driveway may be used, and no parking lots can be created for use by the business.

(4) The home business shall not have the effect of increasing the land use intensity, including the volume of pedestrian or vehicular traffic, beyond that normally generated by homes in a residential neighborhood.

(5) No article shall be sold or offered for sale on the premises, except that which is prepared or produced by the home business.

(6) No equipment or process shall be used in a home business which generates noise, vibration, glare, fumes, odor or electrical interferences that create a nuisance to persons off the premises. This includes electrical devices which create visible or audible interferences with radio or television receivers or fluctuations in line voltages off the premises.

(7) No hazard of fire, explosion, radioactivity or chemical contamination shall exist at any time.

(8) A home business shall be permitted one sign, which sign is specified in § 152.04(G)(3) of this code.

~~(D) Single to two family home conversions. Conversion of a single family home to two family usage is subject to the following condition: the unit is owner occupied. RESERVED~~

(E) Multiple-family apartments. Multiple-family apartments shall follow the following guidelines.

~~—(1) The minimum square footage for apartment units shall be as follows.~~

-

Efficiency	<del>550-sq. ft.</del>
1 bedroom	<del>650-sq. ft.</del>
2 bedrooms	<del>750-sq. ft.</del>
3 bedrooms	<del>900-sq. ft.</del>
4 bedrooms	<del>1,050-sq. ft.</del>

(1) On a site that contains multiple apartment buildings, there shall be a minimum of 35-foot spacing between all buildings.

~~—(3) A minimum land area of 4,200 square feet shall be required for each dwelling unit in the GC District.~~

(2) The maximum number of living units in each building shall be 16.

(3) (a) When a multiple-family development lies adjacent to any less intensive residential use in the WS District, a minimum ten-foot wide landscaped strip shall be provided. This strip shall contain a hedge at least three feet in height, a berm four feet in height or a combination thereof. The strip shall contain one tree for each 35 feet, or fraction thereof, of its length. Trees shall be minimum six-foot tall evergreen trees and shall be of a coniferous species which provides sufficient screening to neighboring areas.

(b) As an alternative screening measure, a six-foot to eight-foot tall masonry wall or decorative screening fence may be substituted for the landscaping requirement.

(F) Accessory dwelling units shall be subject to the following regulations:

(1) One accessory dwelling unit (ADU) is permitted per parcel in the R-1, R-2, LS, CM, MA, WS, and USG Districts, subject to the following standards. It shall only be located on a parcel that contains a principal single-family dwelling unit; ADUs shall not be permitted as an accessory use to a two-family dwelling.

(2) Design. The ADU shall be designed so that the appearance of the building remains that of a detached accessory structure, such as a garage or carriage house. Structures shall be of high- quality, natural materials complementing the principal dwelling unit (see § 154.059(G) and division (A)(4) of this section).

(3) Dimensional requirements. ADUs shall comply with the following requirements:

(a) Minimum unit size: 250 square feet;

(b) Maximum unit size: 600 square feet;

(c) Setbacks and maximum height: same as accessory structures (see §§ 154.059(G) and 154.097(B)(7)).



(4) Access. Independent exterior access to the ADU is required. Entrance(s) should be located on the side or rear of the structure; a front entrance is permitted for an ADU located in the rear yard.

(5) Water and sewer. An ADU is not required to have a separate connection to municipal water and sewer. An ADU will comply with REU (residential equivalent unit) schedules as determined by the Village Council.

(6) Nonconforming structures. A nonconforming accessory building existing prior to the effective date of this section may be converted to an ADU as long as the change in use does not increase the nonconformity of the structure including setbacks.

(7) Occupancy. Any ADU used for short-term rentals (less than 30 days) shall be subject to all provisions of the short-term rental ordinance.

(8) Parking. An ADU will require off-street parking; see § 154.232.

(9) Conditions for occupancy. Prior to occupancy of an ADU, a building permit, zoning compliance permit (see § 154.293) and a certificate of occupancy issued in accordance with § 154.294 must be obtained.

(G) Economy efficient dwellings shall be subject to the following regulations:

(1) An EED may only be developed in a cluster with other EEDs, under single common ownership or through a site condominium. Community buildings serving the EED community may be permitted on the same lot.

(2) EED units shall be built on a permanent, approved foundation; ~~and~~ be made of high-quality, natural materials, or engineered equivalent; and designed to fit within a traditional neighborhood concept. Encouraged design elements include pitched roofs with overhangs, aligned patterns of windows and doors, and defined front entrances.

(3) Dimensional requirements for EED units.

(a) Building size (gross square feet): 250 (minimum) to 700 (maximum);

(b) Building height (stories/feet): 1/12 (minimum) to 1.5/20 (maximum);

(c) Distance between buildings: ten feet;

(d) Setbacks – same as the underlying zoning district.

(4) Site design. EEDs shall be clustered together on a single parcel, subject to the following requirements:

(a) A minimum lot area of 10,000 square feet shall be required for an EED cluster comprising at least, but no more than, four EEDs. For each 1,500 square feet of lot area in excess of 10,000 square feet, a maximum of one additional EED may be included in the cluster.

(b) Buildings shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walks, and access to open space. The overall design of the cluster should be oriented toward a primary street.

(c) Sidewalk access to the front of each unit must be included from the primary street, parking areas, and open space.

(5) Water and sewer. An EED will comply with REU (residential equivalent unit) schedules as determined by the Village Council.

(H) Townhouses within the R-2 districts shall be limited to not more than 4 attached units per building and shall be further subject to the following:

(1) The minimum lot area for a townhouse development shall be the minimum lot area of the underlying district, plus 4,200 square feet for each unit.

(2) The maximum height for any townhouse building shall be two stories and 25 feet.

(3) No townhouse unit shall be less than twenty-four (24) feet in width.

(4) The distance between any two (2) structures within a townhouse development shall not be less than twenty-five (25) feet.

(5) Any townhouse development adjoining any single-family residential district or use shall be provided with a minimum twenty (20) foot wide greenbelt buffer planted with landscaped plants, the configuration and design of which is subject to the review of the Planning Commission. A greenbelt buffer shall also be provided along all street frontages which shall not be less than ten (10) feet in width.

(Ord. passed 11-16-2010, § 4.7.1; Ord. passed 12-15-2015; Ord. passed 12-19-2023; Ord. passed 12-19-2023) Penalty, see § 154.999

## **§ 154.076 RETAIL AND SERVICES.**

(A) Drive-in or drive-through businesses shall be designed in a manner which promotes pedestrian and vehicular safety and subject to the following conditions.

(1) The minimum lot area shall be 15,000 square feet.

(2) The lot shall be located on a major street.

(3) A use with an accessory drive-through window shall not be located within 300 feet of another use with a drive-through window or an auto service use. This requirement does not apply to automobile service stations or a drive-through service accessory to a bank, loan or financial office in the Union Street Gateway District.

(4) Access to the site shall be provided as follows.

(a) Ingress and egress shall be provided from a major street, and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare.

(b) All ingress and egress points shall be located not closer than 150 feet from the intersection of any two streets or highways.

(c) No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway providing access to or from the drive-in business.

(d) All driveways providing ingress or egress to a drive-in business shall be not more than 30 feet wide at the property line.

(e) No ingress or egress shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or back into any street.

(5) Drive-through stacking space shall be provided as follows.

(a) Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ten feet in width and 20 feet in length.

(b) There shall be a minimum of four stacking spaces per drive-through lane.

(c) If proposed, an escape lane shall be a minimum of 12 feet in width to allow other vehicles to pass those waiting to be served. In no case shall stacking lanes block access to the parking lot or a driveway exit.

(d) All stacking lanes must be clearly delineated through the use of striping, landscaping, curbing and/or signage.

(6) The parking and traffic circulation plan for the lot shall be submitted to the Village Street Administrator for review, and sufficient measures shall be taken to provide for one-way traffic flow where recommended.

(7) Where the lot abuts a residential district, a buffer strip shall be provided in accordance with the applicable district in the form-based code regulations.

(8) All waste disposal areas, including containers, shall be screened with an obscuring wood or masonry wall from abutting residential properties and public streets.

(9) All such uses must be shown to have received appropriate approvals by the County Health Department.

(10) Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least six feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

(11) All fenced-in areas shall be set back at least 100 feet from any front street or property line.

(B) Building supplies sales, lumber yards, garden and lawn supply stores and other similar retail uses with outdoor storage, machinery sales, farm or industrial and feed and fertilizer sales and storage shall be subject to the following conditions.

(1) A five-foot tall ornamental fence or wall shall be constructed along the rear and sides of the lot, capable of keeping debris from blowing off the premises.

(2) Storage areas shall be hard-surfaced or constructed of a substitute acceptable to the Planning Commission, except the Planning Commission may allow a gravel surface where dust control measures are utilized.

(3) Storage or materials display areas shall meet all the yard setback requirements applicable to buildings in the district.

(4) No banners, pennants, flags, streamers or other attention-getting devices shall be permitted.

(5) Outdoor speakers shall be prohibited.

(C) Kennels shall be subject to the following conditions.

(1) The applicant will demonstrate that the kennel complies with the Animal Control and Protection Ordinance, County of Jackson, Michigan, Ord. No. 1.

(2) The applicant will submit a signed statement acknowledging receipt, and understanding of, a copy of Ch. 90 (Animals) and Ch. 91 (General Nuisances) of this code.

(Ord. passed 7-17-2018 , § 4.7.2) Penalty, see § 154.999

## **§ 154.077 AUTO SERVICES.**

Automobile service stations, carwashes, major vehicle repair and minor automobile or recreational vehicle maintenance and storage facilities shall be subject to the following conditions.

(A) The minimum lot area is 10,000 square feet.

(B) The minimum street frontage is 100 feet.

(C) An auto service use shall not be located within 300 feet of another auto service use or a use with a drive-through window.

(D) Ingress and egress to any outdoor sales area shall be at least 60 feet from the intersection of two streets.

(E) Exterior lighting shall be hooded or shielded so as to be deflected away from adjacent property in accordance with § 154.060(G) of this code.

(F) All repair shall be conducted within a completely enclosed building.

(G) Storage of vehicles awaiting repair shall be limited to not more than five such vehicles for each repair bay. In no case shall vehicles be stored for a period in excess of 15 days. Storage of wrecked or partially dismantled vehicles shall only be permitted within a building or a storage area that is located in the side or rear yard and screened on all sides by a minimum six-foot tall wall.

(H) There shall be no outdoor storage or display of vehicle components, parts, supplies or equipment.

(Ord. passed 5-20-2009 , § 4.7.3) Penalty, see § 154.999

## **§ 154.078 LODGING AND RESTAURANTS.**

(A) Bed and breakfast establishments, tourist homes. Bed and breakfast establishments and tourist homes shall be subject to the following conditions.

- (1) The bed and breakfast establishment shall be owner-occupied.
- (2) Food service licenses from the County Health Department are required.
- (3) No separate cooking facilities for individual rooms are allowed.
- (4) Adequate sanitary and bath facilities are provided.
- (5) Adequate parking shall be provided according to § 154.232 of this code.

(B) Hotels and motels. Hotels and motels shall be subject to the following conditions.

(1) A swimming pool, tennis court or similar recreational activity may be established in conjunction with the hotel or motel, providing that no charge is made for its use.

(2) A hotel or motel shall not be located within 300 feet from any adjacent residential district.

(3) Access should be provided so as not to conflict with adjacent businesses or adversely affect traffic flow.

(4) Each unit shall contain not less than 250 square feet of floor area.

(5) The property must abut a major street and provide access to this major street.

(6) No kitchen or cooking facilities are to be provided, with the exception of units for the use

of the caretaker or manager.

(C) Restaurants with outdoor seating. Restaurants with outdoor seating shall be subject to the following conditions. In the case of an existing restaurant adding outdoor seating, a site plan shall be submitted for review by the Zoning Administrator to determine if the

standards are met. In the case of a new restaurant, the Planning Commission shall review the following standards during the site plan approval process.

(1) The seating area shall be delineated with railings or ornamental walls that are a minimum of three feet tall and screened from all adjacent single-family residential uses by a six-foot fence or equivalent landscaping, as approved during the site plan approval process.

(2) If located in the front yard of the building, pedestrian circulation and access to the building entrance and along the sidewalk shall not be impaired, with a minimum five-foot wide, unobstructed pedestrian pathway maintained.

(3) The seating area shall be kept free of debris and litter. The site plan must include a written description of the storage of tables, chairs, and equipment when the outdoor seating is not in use.

(4) Outdoor seating shall be subject to review and approval by the Fire Department.

(5) The hours of operation for the outdoor seating shall be included on the site plan and subject to village approval.

(6) Additional signage shall not be permitted.

(7) Any area used for the outdoor preparation of food or beverages shall be approved by the Planning Commission and the Health Department. The preparation area shall be integrated into the site and located so as to not impact adjacent uses.

(8) Confirmation of appropriate liquor licenses shall be submitted to the village, if proposed.

(D) Drive-through and drive-in restaurants. For drive-through and drive-in restaurant provisions, see § 154.076(A) of this code.

(E) Breweries, wineries, distilleries and the like. Microbreweries, breweries, small wineries, wineries, small distilleries and distilleries shall be subject to the following conditions.

(1) Such facilities may contain a restaurant, bar or tasting room as an accessory use. Outdoor seating may be allowed, subject to division (C) above.

(2) For production areas (brewing, wine-making or distilling), off-street parking as required for manufacturing per § 154.232 of this code shall be provided. For restaurant, bar or tasting room areas, off-street parking as required for restaurants per § 154.232 of this code shall be provided.

(3) All production (brewing, wine making or distilling) activities shall be conducted within an enclosed structure.

(4) The outdoor storage of machinery, equipment, barrels, kegs or similar materials associated with the operation shall only be allowed within an area surrounded by a solid,

unpierced fence or wall not to exceed six feet in height and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

(5) Appropriate licenses with the state shall be maintained.

(Ord. passed 5-20-2009, § 4.7.4; Ord. passed 9-17-2019; Ord. passed 12-19-2023) Penalty, see § 154.999

## **§ 154.079 OFFICE AND FINANCIAL.**

Radio and television studios shall be subject to the following conditions.

(A) All broadcasting antennas or towers are set back one foot for every foot that tower exceeds the height limitation of the district.

(B) No antennas or towers are allowed in the WS District.

(Ord. passed 11-16-2010, § 4.7.5)

## **§ 154.080 ~~MEDICAL AND CARE FACILITIES, SENIOR ASSISTED LIVING.~~**

(A) Child care centers, ~~senior assisted living centers.~~ Child care centers ~~and senior assisted living centers~~ shall be subject to the following conditions.

(1) There shall be provided and maintained a minimum of 200 square feet of outdoor play area for each child or student. ~~This area shall be effectively screened.~~

~~(2) A minimum of 5,000 square feet of fenced outdoor play area shall be provided.~~

~~(2) The maximum licensed capacity for a child care center in the R-1, R-2, LS, CM, MA and WS Districts is 25 children.~~ The maximum licensed capacity for a child care center in the R-1, R-2, LS, CM, MA or WS Districts is 25 children. A child care center permitted within any other zoning district is not subject to a capacity limitation.

(B) Group child day care homes. Group child day care homes shall be subject to the following conditions.

(1) This activity must take place in a single-family home.

(2) The lot must be a minimum of 7,500 square feet.

(C) Funeral homes, mortuaries. Funeral homes and mortuaries shall be subject to the following conditions.

(1) An adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession, provided further that such assembly area shall be provided in addition to any off-street parking area.

(2) A landscaped, maintained transition strip of 15 feet in width shall be provided on the side and rear yards, and said strip of 20 feet in width shall be provided in the front yard.

(3) A caretaker's residence may be provided within the main building of the funeral home.

(D) Hospitals, ~~convalescent homes~~, nursing homes, ~~assisted living facilities~~, ~~elderly dependent housing orphanages~~ and the like. Hospitals, convalescent homes, nursing homes, ~~assisted living facilities~~, ~~elderly dependent housing orphanages~~, ~~sanitariums~~ and ~~charitable similar~~ institutions for human care shall be subject to the following conditions.

(1) All such institutions shall be developed only on sites consisting of at least ~~ten acres~~ **15,000 square feet** in area or 1,500 square feet per bed, whichever is greater.

(2) The proposed site shall have at least one property line abutting a major street. All ingress and egress to the off-street parking area for guests, employees and staff, as well as other uses of the facilities, shall be directly on said major street.

(3) In the event one or more boundaries of the proposed site lie opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least 100 feet for buildings containing two stories or more.

(4) The minimum distance from any street line shall be not less than 40 feet for buildings containing two stories or less, while buildings above two stories shall be set back an additional one foot for every five feet of height above two stories.

(5) The minimum distance from any nonresidential lot line shall not be less than 25 feet. Ambulance and delivery areas shall be obscured from all residential view with a wall six feet in height.

(6) Noise-producing activities, such as ambulance and delivery areas, shall be located not less than 500 feet from any residential area.

**(E) Elderly independent housing. Elderly independent living shall be subject to the same conditions as multiple-family residential outlined in 154.075,(E).**

**(F) Adult foster care facilities.** Adult foster care facilities shall be subject to the following conditions.

(1) For adult foster care family homes:

(a) Adult foster care family homes shall be considered a residential use of property and a permitted use in all residential districts; and

(b) Appropriate licenses with the state shall be maintained.

(2) For adult foster care small group homes and large group homes:



(a) A site plan prepared in accordance with § 154.189(A) of this code shall be submitted;

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

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

(d) An on-site drop-off and pick-up area shall be required adjacent to the main building entrance. Such area shall be of sufficient size so as not to create congestion within the site or on an adjacent public street;

(e) The property shall be maintained in a manner consistent with the character of the adjacent neighborhood; and

(f) Appropriate licenses with the state shall be maintained.

(3) For adult foster care congregate facilities:

(a) A site plan prepared in accordance with § 154.189(A) of this code shall be submitted;

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

(c) Off-street parking as required for sanitariums and convalescent homes per § 154.232 shall be provided;

(d) An on-site drop-off and pick-up area shall be required adjacent to the main building entrance. Such area shall be of sufficient size so as not to create congestion within the site or on an adjacent public street; and

(e) Appropriate licenses with the state shall be maintained.

(Ord. passed 11-23-2019, § 4.7.6) Penalty, see § 154.999

## **§ 154.081 RECREATION AND ENTERTAINMENT.**

(A) Adult uses shall be subject to the following conditions.

(1) No such use shall be located nearer than 500 feet from any residence, church, school or park.

(2) No such use shall be located nearer than 500 feet from any other adult use.

(3) The use shall not result in blight, nor an adverse effect on health, safety, welfare or morals of the citizenry of the village.

(B) Bowling alleys, skating rinks, dance clubs, exercise clubs, amusement arcades and similar uses shall be subject to the condition that they be placed a minimum of 100 feet from any residentially-zoned district.

(C) Golf courses and accessory uses customarily associated with such use shall be subject to the condition that a 50-foot buffer strip is placed around the periphery, or any portion, of the golf course.

(Ord. passed 6-18-1991, § 4.7.7)

## **§ 154.082 CIVIC.**

(A) Places of worship. Churches, synagogues and temples shall be subject to the following.

(1) A landscaped, maintained transition strip of 15 feet in width shall be provided on the side and rear, and 20 in width in the front yard.

(2) Such uses in the R-1, R-2, LS, CM, MA and WS Districts must also adhere to the following.

(a) A minimum lot area of one acre is required.

(b) A minimum lot width of 150 feet is required.

(c) All structures shall be set back a minimum of 50 feet from any lot line.

(B) Elementary schools. Elementary schools shall be subject to the following conditions.

(1) There shall be provided and maintained a minimum of 150 square feet of outdoor play area for each child or student.

(2) A minimum of 5,000 square feet of outdoor play area shall be provided.

(C) Communications towers. Communications towers shall be subject to the following conditions.

(1) The following site and development requirements shall apply.

(a) The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.

(b) The base of the tower and guy wire supports (if any) shall be fenced with a minimum six-foot high fence.

(2) The following special performance standards shall apply to communications towers.

(a) All communications towers must meet the standards of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

(b) The plans of the communications tower shall be certified by a registered structural engineer.

(c) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

(d) The base of the communications tower shall occupy not more than 500 square feet.

(e) The height of a communications tower shall not exceed 200 feet from grade. Towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half mile from a helipad.

(f) A communications tower shall not be artificially lighted, except as required by the Federal Aviation Administration. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

(g) In no case shall a tower or antenna be located within 30 feet of a property line.

(h) Communications towers shall be located so that they do not interfere with reception in nearby residential areas and so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.

(i) All towers shall be equipped with an anti-climbing device to prevent unauthorized access. Metal towers shall be constructed of, or treated with, corrosive-resistant material.

(j) Communications towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with applicable local statutes, regulations and standards. In addition, they shall be designed to withstand a uniform wind loading.

(k) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower and a structure, or between towers, shall be at least eight feet above the ground at all points unless buried underground.

(l) Accessory structures are limited to uses associated with the operation of the tower, shall not exceed 600 square feet of gross area and may not be located within 20 feet of any property line.

(m) Existing on-site vegetation shall be preserved to the maximum extent practicable.

(n) There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.

(o) The policy of the community is to minimize the number of communications towers in the village. Therefore, the village shall require the collocation of communications towers. Pursuant to this policy, the following standards apply to communications towers.

1. All new and modified communications towers shall be designed and constructed so as to accommodate collocation.

2. A conditional use permit for the construction and use of a new communications tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

(3) The following information shall be submitted prior to village approval to construct a communications tower:

(a) A site plan in accordance with § 154.189 of this code;

(b) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed communications tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard;

(c) The application shall include a description of security to be posted at the time of receiving a building permit for the communications tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Village Planning Commission shall specify the form of security, as approved by the Village Attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States; and

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

(Ord. passed 1-17-2000, § 4.7.8) Penalty, see § 154.999

### **§ 154.083 INDUSTRIAL.**

(A) Automobile wrecking, salvage yards. Automobile wrecking and salvage yards shall be subject to the following conditions.

(1) No portion of the wrecking and salvage operation may be closer than 200 feet from any residentially-zoned property.

(2) (a) The open storage of any industrial equipment, vehicles and materials, including wastes, shall be screened from public view from a public street by an enclosure consisting of an obscuring wall or fence not less than eight feet in height.

(b) Whenever such open storage is adjacent to a residential zone in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or obscuring fence of at least eight feet in height.

(3) No vehicles intended for dismantling or storage shall be stored outside of the obscured open storage area for a period greater than one day.

(4) The stacking of vehicles to a height exceeding eight feet is prohibited.

(5) There shall be emission of no noxious, toxic or corrosive fumes or gases in such concentrations so as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury to property or business.

(6) All outdoor storage shall comply with § 154.166 of this code and all other village ordinances.

(7) All waste, including oil, fuel, grease or any other substances, shall be disposed of in a safe and sanitary manner.

(8) No such use shall carry on any operation that would produce heat and glare beyond the boundary line of the industrial district.

(9) No such use shall use lighting in a manner that produces glare on public highways and/or neighboring property.

(B) Explosives, flammable liquid bulk storage. Bulk storage of explosives or flammable liquids shall be subject to the condition that a permit for such activity is obtained from the state's Department of State Police, Fire Marshal's Office.

(C) Contractor's yards for vehicles, equipment and materials.

(1) No portion of the wrecking and salvage operation may be closer than 200 feet from any residentially-zoned property.

(2) The open storage of any industrial equipment, vehicles and materials, including wastes, shall be screened from public view from a public street by an enclosure consisting of an obscuring wall or fence not less than eight feet in height. Whenever such storage is adjacent to a residential zone in either a front, rear or side lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or obscuring fence of at least eight feet in height.

(3) No vehicle, equipment or materials may be stored outside of the obscured open storage area for a period to exceed one day.

(4) All outdoor storage of materials shall comply with § 154.166 of this code and all other village ordinances.

(D) Helicopter landing pads.

(1) All such pads shall be located not nearer than 200 feet from any residential zoning district.

(2) All requirements of the Federal Aeronautics Administration (FAA) concerning the placement, operation, maintenance and other requirements of such pads shall be met.

(3) The helicopter pad shall be located on the parcel to minimize potential negative effects of noise, air movement and blowing dust and debris.

(4) Aircraft refueling, repair, maintenance and storage shall be prohibited.

(5) Landing and take-off approach to pad shall not be permitted over residential zones.

(E) Recycling collection centers. Recycling collection centers shall be subject to the following conditions.

(1) The site is located on a major street with a minimum 80-foot public right-of-way.

(2) The Planning Commission may establish the days and hours of operation.

(3) No burning, melting or other reclamation shall be permitted.

(4) A site plan shall be submitted showing how the sign, lighting, landscaping and fencing requirements of the Zoning Ordinance shall be met. The site plan shall also show traffic circulation on the site.

(5) No materials shall be stored or deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces. No storage of materials shall be allowed outside of semitrailers, bins, barrels or other appropriate containers.

(6) The site shall be kept clean and free of litter and debris. Weeds shall be controlled.

(7) Rodents and other pests shall be controlled.

(8) Activity on the site shall be located at least 100 feet from any residentially-zoned district.

(F) Mini-storage warehousing. Mini-storage warehousing shall be subject to the following conditions.

(1) No building shall exceed 16 feet in height measured from the ground to the top of a wall.

(2) No single structure shall exceed 5,000 square feet in area, and each individual unit shall not exceed 500 square feet in area.

(3) The minimum setback adjacent to any residential zoning district shall be 50 feet.

(4) All traffic ingress-egress shall be on a major street.

(5) Vehicular ingress-egress shall be limited to one point for each side of property abutting any street or lot line.

(6) Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 20 feet wide when cubicles open onto one side of the lane only and at least 24 feet wide when cubicles open onto both sides of the lanes.

(7) If an on-site manager is to be provided:

(a) Two parking spaces shall be provided adjacent to the manager's quarters;

(b) One space for every 200 storage cubicles, or fraction thereof, shall be located adjacent to the project office. A minimum of two such spaces shall be provided; and

(c) Required parking spaces may not be rented as, or used for, boat or vehicular storage.

(8) Outdoor advertising displays that do not identify the nature of the self-service storage facility itself shall not be permitted on the premises. Outdoor self-service storage identification advertising displays shall be in accordance with Ch. 152 of this code and shall not in any way exceed the maximum size, height and setback, if applicable.

(9) All outdoor lights shall be shielded to direct light and glare only onto the self-service facility premises in accordance with § 154.060(G) of this code.

(10) All storage shall be within an enclosed building.

(11) (a) The repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited. The storage of any propane or gasoline engine or propane or gasoline storage tank is also prohibited, except when such tank is attached in a usual manner to a recreational vehicle, boat, motorcycle or other such vehicle used for recreational purposes.

(b) The prohibition of storage tanks is not intended to prohibit the storage of recreational vehicles, boats, motorcycles or other such vehicles used for recreational purposes. If such vehicles are to be stored within a facility, it shall meet all applicable fire and building codes that have been adopted by the village.

(12) No owner, operator or lessee of any self-service storage facility, or portion thereof, shall offer for sale, or to sell, any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or permit the same to occur upon any area designated as a self-service storage facility.

(13) Violation of any provision of the conditional uses listed above is punishable by § 154.999 of this code.

(14) In order to ensure security and discourage loitering on the site, the Village Council may require a six-foot chain-link fence to be erected along the perimeter of the site.

(Ord. passed 6-18-1991, § 4.7.9; Ord. passed 10-6-1994; Ord. passed 5-20-2009) Penalty, see § 154.999

## RESIDENTIAL ZONING DISTRICTS

### § 154.095 STATEMENT OF PURPOSE.

(A) R-1, Single-Family Residential District. The (R-1) Single-Family Residential District is established as a district in which the principal use of land is for single-family dwellings. The R-1 District is intended for the retention of existing single-family neighborhoods and the protection of these neighborhoods from conflicting and higher intensity uses.

(B) R-2, Two-Family Residential District. The (R-2) Two-Family Residential District is established as a district intended to serve as a mixed low-density residential and office district. The R-2 District is also intended to act as a buffer between the Single-Family Residential District and higher intensity districts.

(C) RM-1, Multiple-Family Residential District. The (RM-1) Multiple-Family Residential District is established as a district in which the principal use of land is for both lower and higher density residential uses and office uses. As such, the RM-1 district is intended to act as both a mixed-density office/residential district and as a buffer between R-1 and R-2 districts and nonresidential zoning districts.

(D) OS-1, Open Space District. The (OS-1) Open Space District is established as a district intended to serve the low-density residential and recreational needs of the village. As such, the OS-1 District shall have larger lot areas than other districts and shall include residential and recreational uses as permitted uses.

(Ord. passed 6-18-1991, § 4.2.1)

### § 154.096 TABLE OF USES.

(Ord. passed 11-16-2010, § 4.2.2; Ord. passed 11-23-2019; Ord. passed 12-19-2023; Ord. passed 12-19-2023)

Use	Districts				Use Standards
	R-1	R-2	RM-1	OS-1	
Civic					
Churches, synagogues, temples	C	C	C	- -	§ 154.082(A)
Elementary schools	C	C	C	- -	§ 154.082(B)
Public and private cemeteries	P	P	P	- -	
Public libraries and museums	P	P	P	- -	
Secondary schools and colleges	P	P	P	- -	
Lodging and Restaurants					
Owner-occupied bed and breakfasts, tourist homes	C	C	C	- -	§ 154.078(B)



<b>Medical and Care Facilities</b>					
Adult foster care congregate facilities	--	--	C	--	§ 154.080(F)
Adult foster care family homes	P	P	P	P	§ 154.080(F)
Adult foster care large group homes	--	--	C	--	§ 154.080(F)
Adult foster care small group homes	C	C	C	--	§ 154.080(F)
Child care centers	C	C	C	Ⓞ	§ 154.080(A)
Family child day care homes	P	P	P	P	
Funeral homes and mortuaries	--	C	C	--	§ 154.080(C)
Group child day care homes	C	C	C	--	§ 154.080(B)
Elderly independent living			P		§ 154.080(E)
Convalescent homes, nursing homes, assisted living facilities, and elderly dependent living			P		§ 154.080(D)
<b>Office and Financial</b>					
Offices	--	P	--	--	
<b>Other</b>					
Accessory uses and buildings customarily incidental to the principal uses and structures permitted herein	P	P	P	P	
<b>Recreation and Entertainment</b>					
Golf courses and customary accessory uses	--	--	--	C	§ 154.081(C)
Public parks and/or playgrounds	P	P	P	P	
<b>Residential Uses</b>					
Accessory dwelling units	P	P	--	--	§ 154.075(F)
Economy efficient dwellings	--	--	P	--	§ 154.075(G)
Mobile home parks or subdivisions, in accordance with Mobile Home Commission Act, Public Act 96 of 1987, being MCL 125.2301 et seq., as amended	--	--	P	--	§ 154.075(B)
Multiple-family residential developments	--	--	P	--	
Single-family detached dwellings	P	P	P	P	§ 154.075(A)
Townhouses (attached single-family residential)			P		
Townhouses (attached single-family residential) limited to not more than 4 attached units per building		C			§ 154.075(H)
Two-family dwellings and conversions of single family to two-family units	Ⓞ P	P	P	--	§ 154.075(D)
<b>Services</b>					
Home businesses	P	P	P	P	§ 154.075(C)

Kennels	--	--	--	C	§ 154.076(C)
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## § 154.097 AREA, YARD, HEIGHT AND BULK REQUIREMENTS.

(A) Requirements generally. Area, yard, height and bulk requirements, unless otherwise specified, shall follow the schedule of regulations below.

Zoning District	Lot Requirements			Min. Setbacks (ft.)			Min. Floor Area (sq. ft.)	Max. Building Height (B)(6)	
	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Lot Coverage	Front	Side	Rear		Principal Buildings	Accessory Buildings (B)(7)
OS-1 Open Space	43,560	100	N/A	N/A (B)(5 )	N/A (B)(5 )	N/A (B)(5 )	N/A	35 ft. or 2.5 stories	16 ft.
R-1 Single- Family Residential	10,000	80	30%	30	8	45	1,000 (B)(1)	35 ft. or 2.5 stories	16 ft.
R-2 Two-Family Residential	8,000	60	30%	25	8 (B)(3 )	25 (B)(3 )	(B)(1 )	35 ft. or 2.5 stories	16 ft.
RM-1 Multiple- Family Residential	87,120 (B)(9)	120	30%	25 (B)(4 )	20 (B)(2 ), (4)	25 (B)(2 ), (4)	(B)(2 ), (4), (9)	35 ft.	16 ft.

(B) Footnotes to schedule of regulations.

(1) The minimum square footage of residential units in the **R-1 and R-2** Zoning District shall be as follows:

- (a) **One Single**-family residential: 1,000 square feet; and
- (b) Duplexes **and conversions**: 650 square feet per living unit.
- (c) **Townhouse units (R-2 only): 750 square feet**

(2) Multiple-family developments shall follow the following guidelines.

(a) Where a multiple-family development is adjacent to an R-1 or R-2 District, a 60-foot setback shall be required from all R-1 and R-2 Zoning District boundary lines.

(b) The minimum square footage for apartment units shall be as follows.

Efficiency	550 sq. ft.
1 bedroom	650 sq. ft.
2 bedrooms	750 sq. ft.
3 bedrooms	900 sq. ft.

4 bedrooms	1,050 sq. ft.
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(c) On a site that contains multiple apartment buildings, there shall be a minimum 35-foot spacing between all buildings.

(d) A minimum land area of 4,200 square feet shall be required for each dwelling unit in the RM-1 District.

(e) The maximum number of living units in each building shall be 16.

(f) 1. When a multiple-family development lies adjacent to any R-1, R-2 or OS-1 District, a minimum ten-foot wide, landscaped strip shall be provided. This strip shall contain a hedge at least three feet in height, a berm four feet in height or a combination thereof. The strip shall contain one tree for each 35 feet, or fraction thereof, of its length. Trees shall be minimum six-foot tall evergreen trees and shall be of a coniferous species which provides sufficient screening to neighboring areas.

2. As an alternative screening measure, a six-foot to eight-foot tall masonry wall or decorative screening fence may be substituted for the landscaping requirement.

(3) When offices in the R-2 District abut an R-1 or R-2 residential property, the following landscape shall be provided:

(a) A landscaped strip not less than ten feet wide with one tree for each 35 feet, or fraction thereof, of the common boundary of abutting residential property and a continuous screen at least three feet high measured from the surface of the ground consisting of either a hedge, berm or combination thereof; and

(b) Parking lots that are visible from the public right-of-way must include the following between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across the public alley):

1. A landscaped strip at least five feet in width;
2. One tree for every 35 feet, or fraction thereof, of street frontage of the parking lot; and
3. A hedge forming a continuous screen at least three feet above the street grade, or a berm, wall, fence or combination forming a continuous screen at least 30 inches above the street grade, and located in the buffer area to provide maximum screening of the parking lot.

(4) ~~One Single~~-family dwellings in the RM-1 District shall follow the area, yard and bulk requirements as set forth in the R-1 District, and two-family dwellings shall follow the area, yard and bulk requirements as set forth in the R-2 District. R-1 and R-2 uses shall not be required to provide landscaping, parking, open space and other requirements as required for multiple-family developments as shown in appropriate sections of this chapter.

(5) Single-family residences in the OS-1 District are subject to the same setbacks as required for the R-1 District.

(6) Building height for both principal and accessory buildings shall be measured as the vertical distance measured from the elevation of the average grade around the building to the roof as follows:

- (a) To the average height between eaves and ridge for gable, hip and gambrel roofs;
- (b) To the highest point of the roof surface for flat roofs;
- (c) To the deck line of mansard roofs; and
- (d) To the average height between the lowest point and the highest point on a shed roof.

(7) Accessory buildings shall be subject to the following regulations.

(a) When the accessory building is structurally attached to the principal building, it shall be subject to all regulations applicable to the principal building.

(b) Accessory buildings in a side or rear yard must be set back at least three feet from any side or rear lot line. Accessory buildings shall not be permitted in the front yard.

(c) Accessory buildings shall be separated a minimum of ten feet from any other building, including the principal building and any other buildings on adjacent lots.

(d) An accessory building shall be constructed of materials similar to those of the principal building. An accessory building shall be compatible in design and appearance to principal and accessory buildings in the surrounding area.

(8) For waterfront yards, the minimum setback from the shoreline shall be equal to the average setback of adjacent dwellings, determined by a straight line drawn between the two adjacent buildings; provided, if adjacent dwellings are set back more than 30 feet, then the required minimum setback shall be 30 feet. If one or both of the adjacent lots are vacant, then the required minimum setback shall be 30 feet.

(9) Economy efficient dwellings (EEDs) shall be subject to the following regulations:

(a) An EED may only be developed in a cluster with other EEDs, under single common ownership or through a site condominium. Community buildings serving the EED community may be permitted on the same lot.

(b) EED units shall be built on a permanent, approved foundation; be made of high-quality, natural materials, or engineered equivalent; and designed to fit within a traditional neighborhood concept. Encouraged design elements include pitched roofs with overhangs, aligned patterns of windows and doors, and defined front entrances.

(c) Dimensional requirements for EED units.

1. Building size (gross square feet): 250 (minimum) to 700 (maximum);

2. Building height (stories/feet): 1/12 (minimum) to 1.5/20 (maximum);
3. Distance between buildings: ten feet;
4. Setbacks: same as the underlying zoning district.

(d) Site design. EEDs shall be clustered together on a single parcel, subject to the following requirements:

1. A minimum lot area of 10,000 square feet shall be required for an EED cluster comprising at least, but no more than, four EEDs. For each 1,500 square feet of lot area in excess of 10,000 square feet, a maximum of one additional EED may be included in the cluster.

2. Buildings shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walks, and access to open space. The overall design of the cluster should be oriented toward a primary street.

3. Sidewalk access to the front of each unit must be included from the primary street, parking areas, and open space.

(e) Water and sewer. An EED will comply with REU (residential equivalent unit) schedules as determined by the Village Council.

(Ord. passed 11-16-2010, § 4.2.3; Ord. passed 12-19-2023)

## **MU-1, MUNICIPAL UTILITIES DISTRICT**

### **§ 154.110 STATEMENT OF PURPOSE.**

The MU-1 (Municipal Utilities) District is established as a district intended to include all properties involved in support of the municipal utilities system and provision of essential services to the residents of the village.

(Ord. passed 1-17-2000, § 4.4.1)

### **§ 154.111 PRINCIPAL PERMITTED USES.**

The following provisions apply in the Municipal Utilities District. Any use not expressly permitted is prohibited.

(A) Structures involved in provision of essential utility services, including municipal water wells, distribution facilities and towers; electrical substations; telephone switching facilities; Department of Public Works buildings and material storage areas; wastewater treatment facilities; and

(B) Government buildings.

(Ord. passed 1-17-2000 , § 4.4.2)

### **§ 154.112 CONDITIONAL USES.**

The following uses shall be permitted subject to the conditions hereinafter imposed and subject to the review and approval of the Planning Commission, in accordance with §§ 154.205 to 154.212 of this code: communications towers, including cellular communications, subject to the conditions set forth in § 154.082(C) of this code.

(Ord. passed 1-17-2000 , § 4.4.3)

### **§ 154.113 AREA, YARD, HEIGHT AND BULK REQUIREMENTS.**

(A) Requirements generally. Area, yard, height and bulk requirements, unless otherwise specified, shall follow the schedule of regulations below.

#### **REFER TO TABLE IN MUNICODE, SECTION 154.133(A)**

(B) Footnotes. When MU-1 developments abut residential districts, a ten-foot landscaping strip shall be provided. This strip shall contain a hedge at least three feet in height, or a berm four feet in height, or a combination thereof. The strip will also contain

one tree for every 35 feet of its length. Trees shall be at least two and one-half inches in caliper at root ball and shall be of a coniferous species which provides sufficient screening to neighboring areas.

(Ord. passed 1-17-2000 , § 4.4.4)

## **PUD, PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

### **§ 154.140 STATEMENT OF PURPOSE.**

(A) The provisions of this subchapter provide enabling authority and standards for the submission, review and approval of applications for planned unit developments. The purpose of this subchapter is to permit flexibility in the regulation of land development; encourage the use of land in accordance with its character and adaptability; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources and energy and the provision of public services and utilities; encourage provision of useful open space; provide enhanced employment, housing, shopping and traffic circulation to meet the needs of the residents of the village; encourage the use, reuse and improvement of existing sites and buildings when uniform regulations contained in base zoning districts do not provide adequate protection and safeguards for the site or surrounding area; and bring about a greater compatibility of design and use between neighboring properties.

(B) To that end, the provisions of this subchapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this subchapter to ensure appropriate, fair and consistent decision making.

(Ord. passed 9-27-1999, § 4.8.1)

### **§ 154.141 LOCATION OF THE PUD OVERLAY ZONING DISTRICT.**

A PUD District is hereby established and shall be located as an overlay district in any ~~residential or open space zoning~~ R-1, R-2, RM1, OS-1, LS, CM, MA, WS, or USG district of the village. This overlay district is intended to replace the underlying zoning districts upon formal application to the Planning Commission and approval of the Village Council. Denial of an application for PUD shall not change the underlying zoning district and regulations.

(Ord. passed 9-27-1999, § 4.8.2)

### **§ 154.142 PUD PERMITTED USES.**

~~All residential uses~~ Any use allowed by the underlying district may be permitted in the PUD Overlay District in accordance with regulations stated below. All PUD projects must be compatible with the spirit and intent of the Master Plan and must not result in any unreasonable economic impact upon surrounding properties in the underlying zoning districts.

(Ord. passed 9-27-1999, § 4.8.3)



### **§ 154.143 PUD REGULATIONS.**

The applicant for a PUD must demonstrate, as a condition to being entitled to PUD approval, that:

(A) Granting of the PUD overlay zoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved;

(B) In relation to underlying zoning, the proposed type of density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment;

(C) The proposed development shall be consistent with the Village Master Plan and shall be consistent with the intent and spirit of this chapter;

(D) The proposed development shall not result in any unreasonable negative economic impact upon surrounding properties; and

(E) The proposed development shall contain at least as much usable open space as would be required in this chapter in relation to the most dominant use in the development.

(Ord. passed 9-27-1999 , § 4.8.4)

### **§ 154.144 PUD OWNERSHIP.**

The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.

(Ord. passed 9-27-1999 , § 4.8.5)

### **§ 154.145 PROJECT DESIGN STANDARDS.**

Based upon the following standards, the Planning Commission may recommend denial or approval, and the Village Council may deny or approve the proposed PUD.

(A) Subject to division (A)(1) below, all ordinances applicable to lot size, lot width, lot coverage, setback, minimum floor area, building height, parking and loading, general provisions and to other requirements and facilities shall be as follows.

(1) Single-family detached and two-family residential uses shall meet the ordinances applicable in the R-1, R-2 or OS-1 Districts.

(2) **Townhouses and** multiple-family residential uses shall meet the ordinances applicable in the RM-1 District.

(B) Consistent with the planned unit development concept, and to encourage flexibility and creativity, departures from compliance with the regulations above may be granted at the discretion of the Village Planning Commission as part of the approval of a planned unit development. Departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Village Planning Commission designed into the project to achieve the objectives intended with respect to each of the ordinances being departed from.

(C) The development shall be designed so as to promote preservation of natural resources and natural features.

(D) The Village Planning Commission shall take into account the following considerations and ensure compliance with all relevant applicable ordinances: perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; pedestrian circulation system and an integrated development with respect to signage, lighting, landscaping and building materials.

(Ord. passed 9-27-1999 , § 4.8.6)

## **§ 154.146 PROCEDURE FOR PUD REVIEW AND APPROVAL.**

(A) The granting of a planned unit development application shall require a rezoning, that is, an amendment of the Zoning Map constituting a part of this chapter, so as to designate the property which is the subject of the application as planned unit development. Further, an approval granted under this section, including all aspects of the final plan and conditions imposed, shall constitute an inseparable part of the zoning amendment.

(B) (1) ~~The Planning Commission shall hold a hearing at which the petitioner shall present the proposed PUD development plan, and the Planning Commission shall provide the petitioner with its comments within 30 days after holding such a hearing. No fees shall be charged for said preliminary hearing.~~ Prior to the formal submission of a PUD application, the petitioner shall submit a site plan for conceptual review. The plan shall show the entire PUD concept in schematic form, indicating generalized land use areas and their relationship to each other, circulation patterns and generalized existing site characteristics. The Planning Commission shall review the plan with the petitioner, offer comments on such plan as it relates to the Village's development policies and make appropriate comments or suggestions concerning the proposed development scheme. This phase shall not be construed to require approval of the conceptual plan by the Planning Commission. Further, the conceptual plan is only intended to be used as a general guide to both the petitioner and the Village.

(2) The petitioner shall next submit to the Clerk five copies of the PUD development plan, together with the base application fee. Copies of the plan as submitted shall be distributed to the appropriate reviewing agencies (for example, the Village Engineer, the

Village Planning Consultant, the County Drain Commissioner, the state's Department of Environment, Great Lakes, and Energy (if wetlands are involved) and the like) for review to determine if the development concept can be accommodated by the existing public utility, street and general service facilities as necessary for the project and determine if additional impact studies are required. Any costs incurred for additional reviews are the responsibility of the applicant.

(3) The Chairperson of the Planning Commission or Village Clerk shall notify the petitioner of any questions raised by the reviewing agencies during said review and shall submit like information to the Planning Commission for its consideration, along with a report from the Village Planning Consultant which evaluates the planning aspects of the project and its impact on the present and future development of that part of the village in which it is located.

(4) The Planning Commission shall, after holding a public hearings on said PUD development plan, noticed in accordance with § 154.296 of this code, and reviewing said reports, make its recommendation to the Village Council on said plan ~~within 60 days of its date of filing unless said time is agreed to be extended by the petitioner in writing; provided that the Planning Commission may extend this time for periods not to exceed 30 days each if such extensions are necessary for adequate review.~~

(5) If the PUD development plan is rejected by the Planning Commission, its reasons therefore shall be specified in a letter from the Planning Commission to the applicant.

(6) The Planning Commission's recommendations and all related reports shall be submitted to the Village Council for its consideration. The Council shall ~~after holding a public hearing on the PUD development plan and petition, noticed in accordance with § 154.296 of this code,~~ take final action on said plan and petition ~~within 30 days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.~~

(7) If the site plan is rejected by the Council, its reasons shall be based upon the standards of review listed above, specified in writing and approved by the Council.

(8) Approval of the final PUD site plan by the Council shall constitute approval of the rezoning request and shall entitle the applicant to apply for building permits.

(Ord. passed 9-27-1999 , § 4.8.7)

## **§ 154.147 PUD APPLICATIONS.**

(A) Preliminary plans shall include the following:

- (1) Applicant's name and address;
- (2) The name of the proposed development;
- (3) Common description of property and complete legal description;

- (4) Dimensions of land: width, length, acreage and frontage;
  - (5) Existing zoning and zoning of all adjacent properties;
  - (6) Statement of intent of proposed use of land and any phasing of the project;
  - (7) Name, address, city and phone number of: firm or individual who prepared the plan, owner of the property and applicant, if other than the owner;
  - (8) Existing and proposed right-of-way width of all adjoining and internal roads and layout of all internal roads;
  - (9) Proposed acceleration, deceleration and passing lanes;
  - (10) Location of existing drainage courses, flood plains, lakes, streams and wetlands;
  - (11) Intentions with respect to water and sewer;
  - (12) All parking areas and number of spaces by size;
  - (13) The number and location of areas to be preserved as open or recreational space;
  - (14) All known natural resources and natural features to be preserved;
  - (15) Fair representation of the development concept, including each type of use, square footage or acreage allocated to each use, approximate location of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use;
  - (16) Specification of each deviation from the applicable chapter regulations which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought; and
  - (17) The Planning Commission and/or Village Council may require a topographical map if the size of the project and/or nature of the topography indicates that such document would be meaningful to review.
- (B) Final site plans shall include the following:
- (1) All requirements for site plan review under this chapter;
  - (2) A site plan showing the type, location and density of all uses;
  - (3) All open spaces, including preserves, recreational areas and the like, and each purpose proposed for such areas;
  - (4) Evidence of market need for the use(s) and economic feasibility of the project;
  - (5) A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development section. This specification should include chapter provisions

from which deviations are sought, and if the applicant elects to be governed by §§ 154.140 to 154.151 of this code, the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall be specified;

(6) In the event the property on which the project is to be situated consists of 25 acres or more, a community impact statement may be required as part of the application;

(7) A detailed landscaping plan; and

(8) A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.

(Ord. passed 9-27-1999 , § 4.8.8)

#### **§ 154.148 PUD CONDITIONS.**

Reasonable conditions may be required with the approval of planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project, and those immediately adjacent and the community as a whole, shall be reasonably related to the purposes affected by the planned unit development and shall be necessary to meet the intent and purpose of this chapter and be related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the record of the approved planned unit development.

(Ord. passed 9-27-1999 , § 4.8.9)

#### **§ 154.149 PHASING AND COMMENCEMENT OF CONSTRUCTION.**

(A) Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities and open space and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the planned unit development and the residents of the surrounding area.

(B) Commencement and completion of construction.

(1) Construction shall be commenced within one year following final approval of a planned unit development, or within one year of any other necessary approvals which have been actively pursued. Each phase of the project shall be commenced within one year of the schedule established for same in the application submitted for the planned unit development.

(2) If construction is not commenced within such time, any approval of the final plan for the project shall expire and be null and void, provided an extension for a specified period may be granted by the Village Council upon good cause shown if such request is made to the Village Council prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the Village Council shall be authorized to rezone the property in any reasonable manner, and if the property remains classified as planned unit development, a new application shall be required and shall be reviewed in light of the then-existing and applicable law and ordinance provisions.

(Ord. passed 9-27-1999 , § 4.8.10)

#### **§ 154.150 EFFECT OF APPROVAL OF PUD.**

If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and uses shall be in conformity with such amendment. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval of the planned unit development and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by the village upon the request and/or approval of the applicant's transferees and/or assigns.

(Ord. passed 9-27-1999 , § 4.8.11)

#### **§ 154.151 PUD FEES.**

There shall be an advance payment of review fees at the time the preliminary plan is submitted. No review fee shall be required for the preliminary hearing with the Planning Commission, except for rezoning fees required upon application for a rezoning. There shall also be an advance payment of review fees at filing for the final plan. The amount of such fees shall be established by the Village Council by ordinance or resolution.

(Ord. passed 9-27-1999 , § 4.8.12)

## **SUPPLEMENTAL REGULATIONS GENERALLY**

### **§ 154.165 PURPOSE.**

It is the purpose of §§ 154.165 to 154.174, 154.185 to 154.194, 154.205 to 154.212, 154.225 to 154.234, 154.245 to 154.248, 154.260 to 154.262 and 154.275 to 154.278 of this chapter to provide regulations and requirement that supplement the provisions contained under the respective district regulations in §§ 154.040 to 154.043, 154.055 to 154.061, 154.075 to 154.083, 154.095 to 154.097, 154.110 to 154.113 and 154.140 to 154.151 of this code, and may, or may not, apply in all zoning districts.

(Ord. passed 6-18-1991 , § 5.1)

### **§ 154.166 OUTDOOR STORAGE OF MATERIALS.**

The outdoor storage of abandoned, discarded, unused, unusable or inoperative vehicles, appliances, furniture, equipment or material shall be regulated as follows.

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

(B) On any lot in any commercial or industrial district, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall not to exceed six feet in height and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

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

(D) This section is in no way intended to contradict the village's ordinance on the storage of motor vehicles.

(Ord. passed 6-18-1991 , § 5.6) Penalty, see § 154.999

Cross-reference:

Storage of motor vehicles, see Ch. 93

## **§ 154.167 VISIBILITY AT INTERSECTIONS.**

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

(Ord. passed - -, § 5.7) Penalty, see § 154.999

## **§ 154.168 FENCES.**

Fences which enclose property shall comply with the following regulations.

### **(A) General fence standards.**

(1) Fences are to be made of wood, metal, masonry or other commonly recognized fencing materials, with each fence section securely anchored. Within the C-2 District, only wood, wrought-iron, masonry or other materials approved by the Planning Commission can be used.

(2) Fences shall not contain electric current or charges of electricity unless the property abuts agriculturally-used land.

(3) Barbed wire, chicken wire and razor wire are prohibited.

(4) No fence, wall, tree or shrub shall be erected, placed, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, as proscribed in § 154.167 of this code.

### **(B) Fences in residential and open space zoning districts.**

(1) Except as otherwise regulated, fences in the R-1, R-2, OS-1, CM, LS, MA and WS Districts, as well as residential uses in the USG Zoning District, shall not exceed four feet in height from the front property line of the property to the front of the dwelling. Fences shall not exceed six feet in height from the front of the dwelling to the rear property line.

(2) Fences in the RM-1 Zoning District shall be constructed according to the regulations found in § 154.097(B)(2)(f) of this code.

### **(C) Fences in commercial and industrial zoning districts.**

(1) Except as otherwise regulated, fences in the GC, CBD and LI Districts, and commercial uses in the USG Zoning District, erected along the front property line shall not exceed six feet in height and may be of any type permitted in division (A)(1) above except masonry walls, except in the case of existing and occupied residential unit(s) in these



districts, where the maximum height shall be four feet in height from the front property line of the property to the front of the main building on the lot.

(2) Fences along the sides and back of the building shall not exceed six feet in height from the front property line to the front of the main building on the lot; four feet for existing and occupied residential units(s).

(3) Fences shall be a maximum of eight feet from the front of the main building to the rear property line.

(Ord. passed 9-27-1999 , § 5.9) Penalty, see § 154.999

### **§ 154.169 TEMPORARY USE.**

(A) Circuses, carnivals or other transient enterprises may be permitted in any district upon approval by the Board of Appeals based upon finding that the location of such activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals and the general public welfare.

(B) Temporary sales (garage sales, yard sales and other such sales) may be permitted in any district, provided that no such sales activity shall extend beyond seven days in any 30-day period.

(Ord. passed 6-18-1991 , § 5.11) Penalty, see § 154.999

### **§ 154.170 ESSENTIAL SERVICES.**

Nothing in this chapter shall prohibit the provision of essential service, provided the installation of such service does not violate any other applicable provision of this chapter. Nothing in this section shall be construed to permit the erection, construction or enlargement of any building, tower or maintenance depot for provision of an essential service, except as otherwise permitted in this chapter.

(Ord. passed 6-18-1991 , § 5.12)

### **§ 154.171 CURB CUTS AND DRIVEWAYS.**

Curb cuts and driveways may be located only upon approval by the Zoning Inspector and such other municipal, county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

(Ord. passed 6-18-1991 , § 5.13)

### **§ 154.172 NATURAL DISASTERS.**

In the event that a fire, wind storm or other natural disaster creates physical damage to a structure or lot where the effect of this damage threatens the health, safety or welfare of the public, the property shall be cleaned up in accordance with Ch. 91 (General Nuisances) and §§ 150.20 to 150.22 (Dilapidated Buildings) of this code.

(Ord. passed 6-18-1991 , § 5.14)

### **§ 154.173 SIGN REGULATIONS.**

For the village's current sign regulations, see Ch. 152 of this code.

### **§ 154.174 PRIVATE ROADS.**

All new streets shall be constructed to village engineering standards and dedicated to the village. Private roads serving more than one lot shall not be allowed.

(Ord. passed 5-20-2009, § 5.18)

### **§ 154.175 SOLAR ENERGY SYSTEMS.**

Small solar energy systems are permitted accessory structures in any zoning district, subject to the requirements of the zoning district in which they are located and the following standards.

(A) Any small solar energy system mounted on the ground shall be located only in the rear or side yard and must comply with all requirements applicable to an accessory building within the zoning district in which the small solar energy system is located (see §§ 154.056(G) and 154.059(G) as appropriate).

(1) The height of any small solar energy system mounted on the ground shall not exceed eight feet when orientated at a maximum tilt as measured from the existing grade.

(2) Any small solar energy system mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of fencing, greenbelts and landscaping sufficient to provide an all-season complete visual barrier.

(B) Any small solar energy system erected on a building shall not extend beyond the peak of the roof. For systems erected on a flat roof, the highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached; however, it shall be so located or architecturally concealed by a parapet wall or screen so that the system is not visible from abutting road rights-of-way or private road easements.

(C) Any small solar energy system mounted on the roof of a residential property must be installed to meet the access and ventilation requirements of the 2015 Michigan Residential Code.

(D) No small solar energy system shall be installed in such a way as to pose an unreasonable safety hazard, as defined in this chapter.

(E) All small solar energy systems must conform to all applicable federal, state and county requirements, in addition to other applicable village ordinances, as well as any applicable industry standards.

(F) All solar energy systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.

(G) All power transmission lines from a ground mounted small solar energy system to any building or other structure shall be located underground.

(H) Any small solar energy system and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the small solar energy system are maintained according to industry standards, and that no portion of the small solar energy system is in a blighted, unsafe, or substandard manner.

(I) An abandoned small solar energy system shall be removed by the property owner within six months.

#### **§ 154.176 EMERGENCY TEMPORARY DWELLINGS.**

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

(B) Permit application and review.

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

(2) The application shall be reviewed the Zoning Administrator. Approval of the application may be granted upon a finding that all of the following conditions are met:

(a) The principal residential structure has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is uninhabitable;

(b) The temporary dwelling unit will be connected to public sewer and water; and

(c) The temporary dwelling unit complies with all applicable zoning district requirements including setback, area, bulk and other requirements, except minimum house size requirements.

(3) The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one year from the date of approval by the Zoning Administrator. Any conditions of approval shall be specified in writing on the permit.

(4) To guarantee compliance with the provisions of the ordinance and removal of the emergency temporary dwelling upon expiration of the permit, the Village Council shall require a cash bond of \$2,000 to be posted prior to the issuance of a permit.

## SITE PLAN REVIEW AND APPROVAL

### § 154.185 PURPOSE OF SITE PLAN REVIEW.

It is recognized by this chapter that there is a value to the public in establishing safe and convenient traffic movement within a site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further, that there are benefits to the public in conserving natural resources. Toward this end, this chapter requires site plan review by the Planning Commission for all buildings and structures as noted in § 154.186 of this code.

(Ord. passed 6-18-1991, § 5.2)

### § 154.186 BUILDINGS, STRUCTURES AND USES REQUIRING SITE PLAN.

(A) The Zoning/Building Inspector shall not issue a building or zoning compliance permit for the use, occupation or construction of any building of the below-listed uses until a detailed site plan has been reviewed and recommended for approval by the Planning Commission and such approval is in effect:

- (1) ~~Residential duplexes~~ Two-family dwellings;
- (2) Mixed residential/offices;
- (3) ~~Townhouses~~, multiple-family dwellings and economy efficient dwelling clusters;
- (4) All commercial construction and uses;
- (5) All industrial construction and uses;
- (6) All public and institutional projects, such as museums, schools, libraries, churches, cemeteries and the like;
- (7) All ~~special land~~ conditional uses in all districts; and
- (8) All condominium, condominium conversions and site condominium projects.
- (9) All accessory dwelling units.

(B) Site plan review by the Planning Commission is required whenever any one of the following changes are made to a developed site:

- (1) A separate principal building or structure is added to a developed site;
- (2) A site is razed and a new principal building or structure is erected; or
- (3) Additional off-street parking is needed in addition to that already provided.

(Ord. passed 12-30-2000, § 5.2.1; Ord. passed 12-15-2015; Ord. passed 12-19-2023; Ord. passed 12-19-2023)

#### **§ 154.187 APPLICATION AND FEE FOR SITE PLAN REVIEW.**

Any person may file a request for a site plan review by the Planning Commission by filing with the Village Clerk the completed application upon the forms furnished by the Clerk and payment of a fee, established by resolution of the Village Council. As an integral part of said application, the applicant shall file at least four copies of a site plan.

(Ord. passed 6-18-1991 , § 5.2.2)

#### **§ 154.188 PLANNING COMMISSION REVIEW OF SITE PLAN.**

Upon receipt of a complete site plan from the Clerk, the Planning Commission shall undertake a study of the same and shall, within 45 days, arrive at a decision concerning such site plan. If either major deficiencies are found during this review or an incomplete site plan has been submitted, or changes or modifications in the proposed site plan are needed to achieve conformity to the standards in this chapter, the applicant will be notified of these in writing. Upon receipt of a revised plan from the applicant, the applicant will be placed on the next available agenda (or that of a special meeting if the applicant makes such a request). The Planning Commission may extend this time for periods not to exceed 31 days each if such extensions are necessary for adequate review.

(Ord. passed 12-30-2000 , § 5.2.3)

#### **§ 154.189 REQUIRED DATA FOR DETAILED SITE PLAN.**

Every site plan submitted to the Planning Commission shall, depending on the nature of the proposed project, be in accordance with the requirements stated in either division (A) or divisions (B) and (C) below. Any submitted site plan lacking required details is considered “incomplete” and will be returned to the applicant for correction before final approval can be considered.

(A) Every site plan submitted, except site plans for uses as prescribed in division (B) below, shall be drawn to a readable scale and include the following details:

(1) The name and address of the property owner, name and address of the applicant (if different), scale used, a north arrow, proposed use of the property, the date that the plan was prepared and the name and address of the preparer, if different than the owner or applicant;

(2) The location and all boundaries of the property and the dimensions and the location and use of all existing structures;

(3) The location, size and a brief description of any proposed construction of new structures or additions to existing structures;

(4) The location of all existing and proposed streets, parking lots, driveways, signage and other improvements to be constructed or used in the proposed project;

(5) The current zoning classification of the subject property and that of all adjacent properties;

(6) A summary table for the project indicating how the following information has been accounted for in the project design:

(a) Dimensional requirements of the district in which the property is located; see § 154.097 of this code (R-1, R-2, RM-1 and OS-1 Districts) or § 154.058 of this code (LS, CM, MA, WS, GC, USG, CBD and LI Districts);

(b) For all projects in form-based districts (LS, CM, MA, WS, GC, USG, CBD and LI Districts), the division of § 154.059 of this code (building design requirements) appropriate to the building type being proposed has been accommodated;

(c) For projects in form-based districts, §§ 154.060 (nonresidential site design requirements) and 154.061 (streetscape requirements) of this code have been accommodated as appropriate to the project; and

(d) The divisions of §§ 154.075 to 154.083 (use standards for all zoning districts) appropriate to the project have been accommodated.

(7) A listing of current utilities and any proposed/required updates;

(8) Any proposed changes to topography and other natural features; and

(9) Any other information which would be helpful to the Planning Commission during the review of the site plan.

(B) Site plans submitted for the following uses shall be subject to the requirements of division (C) below:

(1) New construction of a multiple-family building containing four or more dwelling units;

(2) Any project involving more than one multiple-family building on a lot, parcel or series of lots under one ownership;

(3) An office in the following districts: R-1, R-2, LS, CM, MA and WS;

(4) Condominium, condominium conversions and site condominium projects;

(5) Private roads;

(6) Mobile home parks and economy efficient dwelling clusters;

(7) All new commercial and industrial construction; and

(8) The following conditional uses:

- (a) Mobile home subdivisions;
- (b) Automobile repair garages;
- (c) Hotels and motels;
- (d) Drive-in or drive-through businesses, including drive-in theaters;
- (e) Automobile wrecking and salvage yards; and
- (f) Bulk storage of explosives or flammable liquids.

(C) Site plans submitted for uses prescribed in division (B) above shall be submitted in accordance with the following requirements:

(1) The site plan shall be of a scale not to be greater than one inch equals 20 feet nor less than one inch equals 200 feet and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity;

(2) The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. The current zoning classification of the subject property and that of all adjacent properties will also be shown. Such plan shall further include the name and address of the property owner, developer and designer and the date that the plan was prepared;

(3) The site plan shall show the scale, north point and boundary dimensions, topography (at least two-foot contour intervals) and natural features, such as woodlots, streams, rivers, lakes, drains and similar features;

(4) The site plan shall show existing human-made features, such as buildings, structures, high-tension towers, pipelines and existing utilities, such as water, sewer and electric lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses;

(5) The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structures on the site, the height of all buildings and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type;

(6) The site plan shall show the proposed streets, driveways, sidewalks and other vehicular pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, including handicapper spaces as required by the state's Barrier Free Code, being Mich. Admin. Code, being R 408.30427, and the identification of service lanes and service parking. Any proposed exterior lighting and signage shall also be indicated;



(7) The site plan shall show the proposed location, use and size of open spaces and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof;

(8) Any site plan application for commercial or industrial construction which includes exterior lighting shall include a photometric plan overlaid on the site plan illustrating the planned layout and foot-candles of site lighting. The following are required for review:

(a) Lighting plan showing light pole and fixture locations and type designations;

(b) Photometric plan showing horizontal luminance levels in a point-by-point format with contour lines. Canopy lighting will also be included in luminance levels; and

(c) Lighting manufacturer's equipment specifications and data sheets.

(9) A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system;

(10) A summary table for the project indicating how the following information has been accounted for in the project design:

(a) Dimensional requirements of the district in which the property is located; see § 154.097 (R-1, R-2, RM-1 and OS-1 Districts) or § 154.058 (LS, CM, MA, WS, GC, USG, CBD and LI Districts);

(b) For all projects in form-based districts (LS, CM, MA, WS, GC, USG, CBD and LI Districts), the division of § 154.059 (building design requirements) appropriate to the building type being proposed has been accommodated;

(c) For projects in form-based districts, §§ 154.060 (nonresidential site design requirements) and 154.061 (streetscape requirements) have been accommodated as appropriate to the project; and

(d) The divisions of §§ 154.075 to 154.083 (use standards for all zoning districts) appropriate to the project have been accommodated.

(11) The site plan will include a schedule of any project phasing. When a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities and open space and shall contain the necessary components to protect the health, safety and welfare of the project users and/or residents; and

(12) For any projects involving construction of multiple principal buildings and/or significant site improvements (roads, sidewalks, parking areas, grading, underground utilities, exterior lighting), the site plan will include a projected schedule for the installation of these site improvements that will be reviewed by the Village Engineer.

(Ord. passed 9-27-1999, § 5.2.4; Ord. passed 5-20-2009; Ord. passed 9-15-2015; Ord. passed 12-19-2023)

## **§ 154.190 STANDARD FOR SITE PLAN REVIEW.**

(A) In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this chapter. Further, in consideration of each site plan, the Planning Commission shall find that provisions of this chapter, as well as the provisions of the zoning district in which said buildings, structures and uses, as indicated in the proposed site plan, have been satisfactorily demonstrated and met by the applicant according to the standards set forth in § 154.210 of this code.

(B) The Planning Commission reserves the right to request additional information it deems necessary to complete the review of any submitted site plan. Any costs incurred for additional reviews are the responsibility of the applicant.

(Ord. passed 9-27-1999 , § 5.2.5)

## **§ 154.191 APPROVAL OF SITE PLAN.**

(A) Unless revisions have been requested, the Planning Commission shall approve, conditionally approve or deny a site plan within 45 days of receipt, **or such reasonable extension of time as may be necessary for adequate review**. The Clerk shall notify the applicant in writing of its action within ~~ten~~ 10 days of the decision, including any changes necessary to meet the standards outlined in § 154.190 of this code and any performance guarantee required under § 154.194 of this code. A zoning compliance permit and a building permit shall not be issued until the site plan has been approved by the Planning Commission.

(B) Upon the approval of a site plan, the applicant shall file with the Clerk four copies thereof, amended as necessary. The Clerk shall, within ~~ten~~ 10 days, transmit to the Zoning Inspector one copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this chapter and that any performance guarantee has been received.

(C) The applicant may appeal the decision of the Planning Commission or any of the conditions placed on the proposed development by notifying the Zoning Board of Appeals in writing. Such appeal shall be made within 30 days of the Planning Commission's decision and shall specify what conditions are being appealed.

(Ord. passed 12-15-2015 , § 5.2.6)

## **§ 154.192 EXPIRATION OF SITE PLAN APPROVAL.**

(A) A site plan shall expire and be of no effect 365 days after the approval thereof unless actual construction/development, either through issuance of a building permit or

construction of site improvements in accordance with a submitted and approved schedule (§ 154.189(C)(11) of this code), has been commenced in accordance with the approved site plan. If construction and development is commenced within that period, the approval will be valid for five years from the date of approval.

(B) If, following the start of construction, work ceases for a period of 180 days or more, site plan approval shall expire.

(C) The Planning Commission shall be permitted to extend the period of effectiveness of a site plan approval ~~once, and~~ not to exceed ~~180~~ 365 days, upon good cause shown if such request is made prior to the expiration of the original site plan approval. Such extension may be granted by the Planning Commission after determination that there have been no Zoning Ordinance changes effective since the site plan approval which would apply to the development. In the event of such ordinance changes, an extension may be granted by the Planning Commission only upon agreement by the applicant to comply with all such ordinance changes for any portions of the project on which construction has not been started and submission of a site plan which has been modified accordingly.

(Ord. passed 3-1-2004, § 5.2.7)

#### **§ 154.193 FLEXIBLE LANDSCAPING.**

If, in the opinion of the Planning Commission, the characteristics of the site achieve the spirit and intent of this chapter, or the strict enforcement of landscaping standards would serve no purpose, the Planning Commission may recommend the rearrangement, reduction or waiver of the requirements without the need for a variance from the Zoning Board of Appeals.

(Ord. passed 2-15-1996, § 5.2.8)

#### **§ 154.194 PERFORMANCE GUARANTEES.**

(A) To assure the orderly completion of a land development project, at the recommendation of the Village Planning Commission, the builder or developer shall be required to post a guarantee in the form of a performance bond or cash deposit.

(B) The guarantee shall be provided after a final site plan is approved by the Planning Commission but prior to issuance of any building or utility permits for any building that is covered by the site plan. The guarantee shall cover site improvements shown on the approved site plan that will not be completed prior to the issuance of the certificate of occupancy. SITE IMPROVEMENTS shall include, but are not limited to, sidewalks, grading, required landscaping, required visual screens or fencing, storm drainage facilities, exterior lighting and utilities.

(C) The applicant shall provide a cost estimate of the improvements to be covered by the guarantee, and such estimate shall be verified as to amount by the Village Engineer/Landscape Architect at the applicant's expense.

(D) If the applicant shall fail to provide any site improvement according to the approved plans within the time specified in the guarantee, the village shall be entitled to enter upon the site and complete the improvements. The village may defray the cost thereof by the use of the deposited security or may require performance by the bonding company.

(E) If a cash deposit is used, the applicant will provide a projected work schedule and completion dates. The applicant and the Planning Commission shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work to be completed. The balance of the deposit will be rebated upon completion of the final inspection.

(F) The Zoning Administrator shall refuse to sign a certificate of occupancy until compliance with the approved final site plan is achieved or until adequate security, as defined in this section, is provided.

(G) When all of the required improvements have been completed, the Zoning Administrator shall inspect the property and submit a written report to the Planning Commission. If the improvements are deemed satisfactory, the Clerk will notify the owner/developer in writing, attaching a copy of the Zoning Administrator's report and returning the performance bond or any remaining cash deposit.

(Ord. passed 12-15-2015, § 5.2.9)

## **SPECIAL LAND CONDITIONAL USES**

### **§ 154.205 PURPOSE OF ~~SPECIAL LAND~~ CONDITIONAL USES.**

The formulation and enactment of this chapter is based upon the division of the village into districts, in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the village. Such uses, on account of their peculiar locational needs or the nature of the services offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

(Ord. passed 12-15-2015 , § 5.3)

### **§ 154.206 AUTHORITY TO GRANT PERMITS.**

The Planning Commission, as hereinafter provided, shall have the authority to grant ~~special land conditional~~ use permits, subject to such conditions of design, operation and safeguards as the village may determine, for all ~~special land conditional~~ uses specified in the various district provisions of this chapter.

(Ord. passed 12-15-2015 , § 5.3.1)

### **§ 154.207 APPLICATION AND FEE.**

Application for any ~~special land conditional~~ use permit permissible under the provisions of this subchapter shall be made to the Planning Commission through the Village Clerk by filing an official ~~special land conditional~~ use permit application form; submitting required data, exhibits and information; and depositing the required fee as established by resolution of the Village Council, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

(Ord. passed 12-15-2015 , § 5.3.2)

### **§ 154.208 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATION.**

An application for a ~~special land conditional~~ use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved, or is acting on the owner's behalf, and the address of the property involved; an accurate survey drawing and a

site plan in accordance with § 154.185 of this code; and a statement of supporting data, exhibits, information and evidence regarding the required findings set forth in this subchapter.

(Ord. passed 12-15-2015 , § 5.3.3)

#### **§ 154.209 PUBLIC NOTIFICATIONS.**

The Planning Commission shall hold a public hearing upon an application for a ~~special~~ ~~land~~ conditional use permit, notice of which shall be given in accordance with § 154.296 of this code.

(Ord. passed 12-15-2015 , § 5.3.4)

#### **§ 154.210 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS.**

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel meets the following requirements:

- (A) Will be harmonious with and in accordance with the general objectives, intent and purposes of this chapter;
- (B) Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- (C) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (D) Will not be hazardous or disturbing to existing or future neighboring uses; and
- (E) Will not create excessive additional requirements at public cost for public facilities and services.

(Ord. passed 12-15-2015 , § 5.3.5)

#### **§ 154.211 DETERMINATION AND APPROVAL PROCESS.**

- (A) After holding a public hearing and reviewing the requirements of §§ 154.207 to 154.210 of this code, the Planning Commission shall, within ~~30~~ 45 days or such reasonable

extension of time as may be necessary for adequate review, arrive at a decision to recommend or deny the proposed use.

(B) If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this subchapter will apply to the proposed use, the Planning Commission shall not grant a ~~special land conditional~~ use permit. This decision will be reported to the applicant in writing.

(C) If determining that a ~~special land conditional~~ use permit should be granted, the Planning Commission shall impose such conditions of use as provided in §§ 154.075 through 154.083 to protect the best interest of the village and the surrounding property and to achieve the objectives of this chapter.

(D) When a ~~special land conditional~~ use permit shall be issued to the applicant, the Planning Commission shall specify the grounds for its decision, and any conditions imposed, in a statement of conclusions. The Planning Commission shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector and Planning Commission.

(E) The Zoning Administrator shall not issue a zoning compliance permit until he or she has received a copy of the ~~special land conditional~~ use permit approved by the Planning Commission.

(Ord. passed 12-15-2015 , § 5.3.7)

#### **§ 154.212 VOIDING OF ~~SPECIAL LAND~~ CONDITIONAL USE PERMITS.**

(A) Any ~~special land conditional~~ use permit granted under this subchapter shall become null and void, and fees forfeited, unless construction and/or use is commenced within ~~210~~ 365 days and completed within ~~575 days~~ two years of the date of issuance. ~~The Planning Commission shall be permitted to extend the period of effectiveness of a conditional use approval, and not to exceed 365 days, upon good cause shown if such request is made prior to the expiration of the original conditional use approval.~~

(B) A violation of a requirement, condition or safeguard shall be considered a violation of this chapter and grounds for the Planning Commission to contact the Zoning Administrator to terminate and cancel such ~~special land conditional~~ use permit.

(Ord. passed 12-15-2015 , § 5.3.8) Penalty, see § 154.999

## **OFF-STREET PARKING REQUIREMENTS**

### **§ 154.225 OFF-STREET PARKING SPACE REQUIRED.**

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

(Ord. passed 6-18-1991 , § 5.4)

### **§ 154.226 PLANS.**

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building or, in the case of existing buildings, when the use increases or changes (for example, from residential to office).

(Ord. passed 12-30-2000, § 5.4.1)

### **§ 154.227 LOCATION OF OFF-STREET PARKING AREAS.**

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet of the lot. In the CBD, this distance shall be 600 feet. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

(Ord. passed 6-18-1991 , § 5.4.2)

### **§ 154.228 PARKING IN RESIDENTIAL DISTRICTS.**

(A) Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light-delivery type, not to exceed one ton, shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.



(B) The parking of licensed and operable passenger vehicles shall be permitted in a garage, driveway, parking lot or street, but vehicles may not be parked in lawn areas. The parking or storage of inoperable or unlicensed vehicles or vehicle parts shall be prohibited, except within an enclosed building.

(Ord. passed 6-18-1991 , § 5.4.3) Penalty, see § 154.999

### **§ 154.229 OFF-STREET PARKING AREA DESIGN.**

(A) Each off-street parking space for automobiles shall be a minimum of nine feet by 20 feet in area, exclusive of access drives or aisles, and shall be of useable shape and condition.

(B) There shall be provided a minimum access drive of ten feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

(C) Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of such aisles shall be:

(1) For 90-degree or perpendicular parking, the aisle shall not be less than 22 feet in width;

(2) For 60-degree parking, the aisle shall not be less than 18 feet;

(3) For 45-degree parking, the aisle shall not be less than 13 feet in width; and

(4) For parallel parking, the aisle shall not be less than ten feet in width.

(D) All off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.

(E) All off-street parking areas shall be drained so as to prevent runoff onto abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

(F) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

(G) All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

(H) All off-street parking areas will comply with the size and number of barrier-free parking spaces as required by the Michigan Barrier Free Code and/or the Americans with Disabilities Act (ADA).

(Ord. passed 6-18-1991, § 5.4.4)

### **§ 154.230 COLLECTIVE PARKING.**

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

(Ord. passed 6-18-1991, § 5.4.5)

### **§ 154.231 DETERMINING REQUIREMENTS.**

For the purposes of determining off-street parking requirements, the following units of measurement shall apply.

(A) Floor area. In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area as defined in § 154.005 of this code.

(B) Places of assembly. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(C) Fractions. When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(Ord. passed 6-18-1991, § 5.4.6)

### **§ 154.232 SCHEDULE OF OFF-STREET PARKING SPACES.**

(A) The minimum required off-street parking spaces shall be set forth in the following schedule of off-street parking spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

(B) A property owner may provide electric vehicle (EV) charging station parking spaces within the parking lot. Such spaces, not exceeding 5% of the total number of required spaces, may be counted toward the minimum number of parking spaces required by § 154.232.

(Ord. passed 6-18-1991, § 5.4.7; Ord. passed 12-19-2023)

<i>Use</i>	<i>Number of Parking Spaces</i>
<b><i>Dwellings</i></b>	
Economy efficient dwelling, each unit	1
Multiple-family, each dwelling unit	1.5
<del>One- Single, and</del> two-family, <del>and townhouses</del> , each dwelling unit	2
Accessory dwelling units (ADUs)	1, in addition to the parking required for the single-family dwelling on the property
Elderly independent living, each dwelling unit	1.5
<b><i>General Business and Service Establishments</i></b>	
For each 250 sq. ft. of sales space (loading and unloading not included in parking space)	1
<b><i>Golf Courses</i></b>	
For each hole; in addition, accessory uses customarily associated with golf courses shall be calculated separately	1
<b><i>Hospitals, Institutions and Clinics</i></b>	
Homes for the aged and children's homes, for each 3 persons in residence	1
Hospitals, for each patient bed	1
Medical and dental clinics or offices, for each 200 sq. ft. of gross floor area	1
<del>Sanitariums and</del> Convalescent homes, <del>nursing homes, assisted living facilities, and elderly dependent living</del> , for each 2 beds	1
<b><i>Hotels, Motels, Bed and Breakfasts and Tourist Homes</i></b>	
Per sleeping unit bedroom, plus 1 space for each employee at the maximum shift	1
<b><i>Manufacturing, Processing and/or Fabrication, Warehouse and Storage Facilities and Experimental Laboratories</i></b>	
For each 2 employees on maximum shift	1
<b><i>Offices, All Types Except Doctor and Dentist</i></b>	
For each 250 sq. ft. of gross floor area	1
<b><i>Places of Public Assembly</i></b>	
Auditoriums, other than school, each 4 seats	1
Bowling alleys, each alley	8
Business and technical schools, each 3 students enrolled (day or night classes, whichever is greater)	1
Churches, for each 4 seats	1
Civic or social clubs, for each 150 sq. ft. of floor area used for assembly room	1
Colleges and universities, for each 3 students enrolled	1
Community centers, for each 100 sq. ft. of floor area used for assembly	1
Dance halls, studios and skating rinks, each 100 sq. ft. of floor area used for assembly by public	1
Junior high and elementary schools, each 9 auditorium seats	1

Libraries, museums and art galleries, each 5 seats	1
Mortuary or funeral homes, each 50 sq. ft. of floor area used for assembly room (services)	1
Senior high schools, each 4 students	1
Stadiums or sports arenas, each 4 seats	1
Theaters, each 4 seats	1
<b><i>Private Clubs, Lodges or Halls</i></b>	
For each 150 sq. ft. of floor area used for assembly	1
<b><i>Restaurants, Bars, Grills, Taverns, Dining Rooms of Hotels or Motels, Dairy Bars and Other Eating Establishments</i></b>	
For each 125 sq. ft. of floor area or for every 2 seats, whichever is greater	1

### **§ 154.233 EXCEPTION.**

The parking requirements for all uses proposed on a lot shall be cumulative unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses such that particular land use parking areas can be advantageously used during nonconflicting hours by the other contiguous land use, in which event, the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

(Ord. passed 6-18-1991, § 5.4.8)

### **§ 154.234 OFF-STREET PARKING REQUIREMENTS IN CENTRAL BUSINESS DISTRICT.**

~~(A) In recognition of the unique characteristics of the downtown area and the availability of municipal parking facilities, all uses within the Central Business District shall be exempt from §154.232 (off street parking requirements). ,the following regulations apply to all uses listed as conditional uses under §§ 154.078, 154.080 and 154.081. Unless specifically superseded by regulations found within this section, the regulations found within § 154.225 of this code (off-street parking requirements) shall apply.~~

~~—(A) Parking lot location. Parking may be provided on-site. However, if insufficient space is available on-site, parking may be provided off-site, provided that the parking lot intended to serve a structure or use is located not farther than 600 feet from the structure or use intended to be served by such parking lot. This distance shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.~~

~~—(1) Dedication of off-site parking lots. In the event that a private off-site parking area is to be used in order to serve a given use or structure, it shall be so dedicated to such use or~~

~~structure through a written instrument, such as a covenant or deed or similar written agreement.~~

~~—(B)—Parking space requirements for CBD uses or structures. After performing the calculation to determine the required number of parking spaces from § 154.232 of this code (schedule of off-street parking), one required parking space shall be deducted from the required number of parking spaces for each 15 feet of frontage that a lot or tract has on a street with municipal on-street parking provided.~~

(Ord. passed 6-18-1991, § 5.4.9)

## **OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

### **§ 154.245 OFF-STREET LOADING, UNLOADING SPACE REQUIRED.**

In connection with every commercial and industrial building, structure or use hereafter erected, there shall be provided on the same lot with such buildings off-street loading and unloading space.

(Ord. passed 6-18-1991, § 5.5)

### **§ 154.246 PLANS.**

Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit.

(Ord. passed 6-18-1991 , § 5.5.1)

### **§ 154.247 OFF-STREET LOADING AREA DESIGN.**

(A) Each off-street loading and unloading space shall not be less than ten feet in width and 55 feet in length and not less than 15 feet in height clearance.

(B) Any loading-unloading space shall not be closer than 50 feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six feet in height.

(C) All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

(Ord. passed 6-18-1991 , § 5.5.2)

### **§ 154.248 OFF-STREET LOADING AREA SPACE REQUIREMENTS.**

(A) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading- unloading facilities shall be the sum of the various uses computed separately.

(B) All retail sales facilities having over 5,000 square feet of gross floor area shall be provided with at least one off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, one additional loading-unloading space.

(C) All industrial and wholesale commercial land uses shall provide one loading space for each 10,000 square feet of floor space, with a minimum of not less than two loading spaces.

(Ord. passed 6-18-1991 , § 5.5.3)

## UTILITIES

### **§ 154.260 LIGHTING.**

(A) Outdoor lighting. All outdoor lighting shall be hooded or shielded to focus both the light and glare from such lights both onto the property and away from all adjoining property.

(B) Condominiums, PUD projects, subdivisions and the like. Within condominiums, site condominiums, PUD projects and platted subdivisions, a consistent type of pedestrian-scale lighting shall be provided along with all sidewalks, within any off-street parking lots and along road frontages.

(Ord. passed 12-30-2000, § 5.16.1) Penalty, see § 154.999

### **§ 154.261 UNDERGROUND WIRING.**

Within all condominium and site condominium projects, planned unit developments (PUD), planned industrial developments (PID) and platted subdivisions:

(A) The owner/developer shall make arrangements for all distribution lines for electric, telephone and cable TV services to be placed underground entirely through the project area. Such conduits or cables shall be placed within dedicated rights-of-way or within private easements provided to such service companies by the developer. If, in the opinion of the Planning Commission, conditions exist which justify other means of distribution, these requirements may be altered to accommodate such conditions;

(B) Conduits or cables placed in the public rights-of-way shall be planned so as not to conflict with other underground facilities;

(C) All telephone and electrical facilities shall be constructed in accordance with construction standards approved by the state's Public Service Commission; and

(D) All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the owner/developer.

(Ord. passed 12-30-2000, § 5.16.2)

### **§ 154.262 SIDEWALKS/PEDESTRIAN CIRCULATION.**

(A) Site design of all condominium and site condominium projects, planned unit developments (PUD), planned industrial developments (PID) and platted subdivisions shall demonstrate a special sensitivity to pedestrian circulation and safety.



(B) Public sidewalks at least five-feet wide shall be provided along both sides of a public street. The surface shall be concrete. All public sidewalks shall be constructed in accordance with the line, grade and slope specifications given in §§ 92.40 to 92.48 of this code.

(C) All commercial, industrial and residential developments shall provide:

- (1) Connections between all public sidewalks and building entrances;
- (2) Connections between public sidewalks adjacent to the development and those sidewalks within the development;
- (3) Where not currently present, public sidewalks along the right(s)-of-way of the development shall be constructed in accordance with the line, grade and slope specifications given in §§ 92.40 to 92.48 of this code; and
- (4) Where present, public sidewalks not meeting the current specifications given in §§ 92.40 to 92.48 of this code shall be upgraded as part of the project.

(Ord. passed 7-17-2018, § 5.16.3)

## SITE CONDOMINIUMS

### § 154.275 PURPOSE.

Pursuant to authority conferred by the Condominium Act, Public Act 59 of 1978, being MCL 559.101 et seq., as amended, all condominium plats must be approved by the Village Planning Commission. A site plan shall be required for all site condominium projects. Each condominium unit shall be located within a zoning district that permits the proposed use.

(Ord. passed 1-7-1994, § 5.17.1)

### § 154.276 DEFINITIONS.

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

#### AREA LINE.

(1) FRONT YARD AREA LINE. A line located at the outer edge of a limited common area associated with a particular building envelope. The FRONT YARD AREA LINE is the area line which runs most nearly parallel with the street or private road which provides access to the condominium lot.

(2) REAR YARD AREA LINE. A line located at the outer edge of a limited common area associated with a particular building envelope. The REAR YARD AREA LINE is the area line lying opposite of the front yard area line.

(3) SIDE YARD AREA LINE. A line located at the outer edge of a limited common area associated with a particular building envelope. The SIDE YARD AREA LINES are those area lines which are neither front nor rear yard area lines.

BUILDING ENVELOPE. The principal structure intended for a building site, together with any attached accessory structures; for example, in a residential development, the BUILDING ENVELOPE would refer to the house and any attached garage.

CONDOMINIUM ACT. Public Act 59 of 1978, being MCL 559.101 et seq., as amended.

CONDOMINIUM LOT. The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

CONDOMINIUM PLAN. The site, survey and utility plans, floor plans and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the land. The CONDOMINIUM PLAN shall show the size, location, area, vertical boundaries and volume of each unit comprised of enclosed air space. A

number shall be assigned to each condominium unit. The CONDOMINIUM PLAN shall include the nature, location and approximate size of the common elements.

CONDOMINIUM UNIT. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or buildings may be withdrawn, pursuant to express provisions in the condominium document and in accordance with this chapter and the Condominium Act.

CONVERTIBLE CONDOMINIUM. A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added, pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act, being Public Act 59 of 1978, being MCL 559.101 et seq., as amended.

LOT. The same as CONDOMINIUM LOT.

MASTER DEED. The condominium documents recording the condominium project as approved by the Zoning Administrator, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

SETBACK. The distance between the front, rear or side yard area line and the portion of the condominium dwelling closest to that area line.

(1) FRONT YARD SETBACK. The distance between the front yard area line and the condominium dwelling.

(2) REAR YARD SETBACK. The distance between the rear yard area line and the condominium dwelling.

(3) SIDE YARD SETBACK. The distance between the side yard area line and the condominium dwelling.

(Ord. passed 1-7-1994, § 5.17.2)

## **§ 154.277 CONDOMINIUM PLAN; REQUIRED CONTENTS.**

(A) General requirements. All condominium plans shall include the information required by § 66 of the Condominium Act, being Public Act 59 of 1978, MCL 559.166, as amended, and the following:

- (1) A survey plan of the condominium subdivision;
- (2) A flood plain plan, when appropriate;

(3) A site plan showing the location, size, shape, area and width of all condominium units;

(4) A utility plan showing all sanitary sewer, water and storm sewer lines and easements granted to the village for installation, repair and maintenance of all utilities;

(5) A street construction, paving and maintenance plan for all private roads within the proposed condominium subdivision; and

(6) A storm drainage and stormwater management plan, including all lines, swales, basins and other facilities.

(B) Easements for utilities. The condominium plan shall include all necessary easements granted to the village for purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively call “public structures”) for the purpose of providing public utilities, including conveyance of sewage, water and stormwater run-off across, through and under the property subject to said easement and excavating and refilling ditches and trenches necessary for the location of said structures.

(C) Private streets. If a condominium development is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval and other applicable standards and requirements of the village for a dedicated public street.

(D) Encroachment prohibited. Encroachment of one condominium unit upon another, as described in § 40 of the Condominium Act, being Public Act 59 of 1978, MCL 559.140, as amended, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

(E) Relocation of boundaries. All individual condominium units shall conform to the requirements of this chapter for minimum lot width and lot area, and the building setback requirements shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

(F) Subdivision of condominium units. All individual condominium units shall conform to the requirements of this chapter for minimum lot width and lot area, and the building setback requirement shall be approved by the Zoning Administrator, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

(G) Condominium subdivision layout, design and approval. All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; and design, layout and improvement standards of § 154.185 (site plan review and approval) of this code. A deposit in the form of cash, certified check or irrevocable bank letter of credit shall be made with the village, if required by the Planning Commission, to guarantee the installation and completion of any required public sanitary sewer, water supply and drainage facilities within a length of time agreed upon from the date of final approval of the condominium plan by the Planning Commission.

(Ord. passed 1-7-1994, § 5.17.3)

## **§ 154.278 CONDOMINIUM SUBDIVISION APPROVAL; ADDITIONAL REGULATIONS.**

The following regulations shall apply to all condominium projects within the village.

(A) Initial information. Concurrently with notice required to be given to the village pursuant to Public Act 59 of 1978, § 71, being MCL 559.171, as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

(1) The name, address and telephone number of:

(a) All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located, together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee);

(b) All engineers, attorneys, architects or registered land surveyors associated with the project; and

(c) The developer or proprietor of the condominium project.

(2) The legal description of the land on which the condominium project will be developed, together with the appropriate tax identification numbers;

(3) The acreage content of the land on which the condominium project will be developed;

(4) The purpose of the project (for example, residential, commercial, industrial); and

(5) Approximate number of condominium units to be developed in the subject parcel.

(B) Information to be kept current. The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a certificate of occupancy has been issued pursuant to this chapter.

(C) Site plans—new projects, master deed and engineering and inspection. Prior to recording of the master deed required by Public Act 59 of 1978, § 72, being MCL 559.108, as amended, the condominium project shall undergo site review and approval pursuant to § 154.185 of this code. In addition, the village shall require appropriate engineering plans and inspections prior to the issuance of any certificate of occupancy.

(D) Site plans—expandable or convertible projects. Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant to § 154.185 of this code.

(E) Master deed, restrictive covenants and as-built survey to be furnished.

(1) The condominium project developer or proprietor shall furnish the Zoning Administrator with the following:

- (a) One copy of the recorded master deed;
- (b) One copy of all restrictive covenants; and
- (c) Two copies of an “as-built survey.”

(2) The “as-built survey” shall be reviewed by the Zoning Administrator for compliance with village ordinances. Fees for this review shall be established by resolution of the Village Council.

(F) Monuments required—site condominium projects. All condominium projects which consist, in whole or in part, of condominium units which are building sites, mobile home sites or recreational sites shall be marked with monuments as provided in this division (F).

(1) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

(2) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.

(3) Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets, and at the intersection of the lines of streets with the boundaries of the condominium project, and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and common elements.

(4) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

(5) If a point required to be monumented is on a bedrock outcropping, a steel rod at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.

(6) All required monuments shall be placed flush with the final ground elevation, where practicable.

(7) All unit corners shall be monumented in the field by iron or steel bars or in iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.

(8) The Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or an irrevocable bank

letter of credit turning to the village, whichever the proprietor selects, in any amount not less than \$50 per monument and not less than \$200 in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(G) Monuments required—all condominium projects. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of division (F) above.

(H) State and county approval. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.

(I) Temporary occupancy. The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this chapter are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the village. Zoning compliance permits shall be issued only in accordance with § 154.293 (zoning compliance permits) of this code.

(J) Single-family detached condominiums.

(1) Single-family detached condominiums shall be subject to all requirements and standards of the applicable R-1, R-2 and OS-1 Zoning Districts, including minimum floor area requirements and minimum lot size. For the purpose of computing density, the number of units per gross acre shall not exceed:

OS-1 District	1 unit per acre
R-1 District	4.4 units per acre
R-2 District	5.4 units per acre

(2) There shall be maintained a minimum distance of 70 feet from the center of one residential dwelling unit to the center of another residential dwelling unit. This 70-foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum 25-foot front yard, 35-foot rear yard and eight-foot side yard can be met.

(3) This distance shall be measured from the outside limits of a building envelope to the outside limits of its constituent limited common area.

(K) Multiple-family, commercial and industrial condominiums. Two-family, multiple-family, commercial and industrial condominium projects shall be located only in those zoning districts allowing those uses as permitted, or conditional uses, and shall be subject

to all of the requirements and standards of the zoning district in which they are located. Such standards shall include, but not be limited to, minimum floor area requirements, minimum lot size, density and the setback requirements of the provisions for the district in which the project is located.

(L) Site plan. After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the village a copy of the site plan on a photographic hard copy, laminated photostatic copy or mylar sheet at least 12 by 16 inches, with an image not to exceed 10.5 by 14 inches.

(Ord. passed 1-7-1994, § 5.17.4)



## **ADMINISTRATION OF THE ORDINANCE**

### **§ 154.290 PURPOSE.**

It is the purpose of this subchapter to provide the procedures for the administration of this chapter, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this chapter and amendments thereto.

(Ord. passed 6-8-1991, § 6.1)

### **§ 154.291 ADMINISTRATION.**

Except when herein otherwise stated, the provisions of this chapter shall be administered by the Zoning Administrator, or by such other deputies of his or her department as the Village Council may designate to enforce the provisions of this chapter.

(Ord. passed 6-18-1991, § 6.2)

### **§ 154.292 DUTIES OF THE ZONING ADMINISTRATOR.**

(A) The Zoning Administrator shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this chapter, nor shall the Zoning Administrator vary or change the terms of this chapter.

(B) If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal uses of any lots or structures, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other legal action necessary to ensure compliance with this chapter or to prevent violation of its provisions.

(C) The Zoning Administrator shall submit to the Planning Commission and the Village Council quarterly reports fully explaining the type and nature of uses permitted by right, the nature and extent of violations of this chapter and the type and nature of nonconforming uses, buildings and structures. The Zoning Administrator shall maintain a record of all zoning compliance permits and certificates of occupancy.

(Ord. passed 6-18-1991, § 6.3)

## **§ 154.293 ZONING COMPLIANCE PERMITS.**

(A) Issuance of zoning compliance permits.

(1) No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, enlarged or moved, nor shall any change be made in the use of any building, structure or land, without a zoning compliance permit having been obtained from the Zoning Administrator for such building, structure or land. A zoning compliance application shall be filled out and submitted to the Zoning Administrator, with copies forwarded to the Secretary of the Planning Commission.

(2) The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications, including a plot plan in duplicate, drawn to scale, showing the following information:

- (a) The actual dimensions and shape of the lot to be built upon;
- (b) The exact size and location of existing structures on the lot, if any; and
- (c) The location and dimensions of the proposed structure or alteration.

(3) One copy of the plans shall be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his or her files. Whenever the buildings, structures and uses as set forth in the application are in conformity with the provisions of this chapter, the Zoning Administrator shall issue the applicant a zoning compliance permit within ten days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this chapter, the Zoning Administrator shall issue such permit promptly following such approvals action.

(Ord. passed 6-18-1991, § 6.4.1)

(B) Voiding of zoning compliance permits. Any zoning compliance permit granted under this chapter shall become null and void, and fees forfeited, unless construction and/or use is completed within 545 days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject, however, to the provisions of all ordinances in effect at the time of renewal.

(Ord. passed 6-18-1991, § 6.4.2)

## **§ 154.294 CERTIFICATE OF OCCUPANCY; FINAL INSPECTION.**

(A) Issuance of certificate of occupancy. No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this chapter unless and until a certificate of occupancy shall have been issued for such use. The holder

of a zoning compliance permit for the construction, erection or moving of any building, structure or part thereof for the establishment of a use shall make application to the Zoning Administrator immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection. A certificate of occupancy shall be issued by the Zoning Administrator within five days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this chapter.

(Ord. passed 6-18-1991, § 6.5.1)

(B) Voiding of certificate of occupancy. Any certificate of occupancy granted under this chapter shall become null and void if such use, buildings or structures for which said certificate was issued are found by the Zoning Administrator to be in violation of this chapter. The Zoning Administrator, upon finding such violation, shall immediately notify the Village Council of said violation and void the certificate of occupancy.

(Ord. passed 6-18-1991, § 6.5.2)

Penalty, see § 154.999

#### **§ 154.295 FEES, CHARGES AND EXPENSES.**

The Village Council shall establish a schedule of fees, charges and expenses, and a collection procedure, for zoning compliance permits, certificates of occupancy, appeals and other such matters pertaining to the chapter. The schedule of fees shall be posted in the offices of the Zoning Administrator and the Village Clerk and may be altered or amended only by the Village Council. No permit, certificate, conditional use on approval or variance shall be issued unless or until such costs, charges, fees or expenses listed in this chapter have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals unless or until preliminary charges and fees have been paid in full.

(Ord. passed 6-18-1991, § 6.6)

#### **§ 154.296 PUBLIC HEARING NOTICES.**

In instances where a public hearing is required under this chapter with the Planning Commission or the Zoning Board of Appeals, written notice of the public hearing shall be as follows.

(A) Notice content. The notice shall do all of the following:

- (1) Describe the nature of the request;
- (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;

- (3) State when and where the request will be considered; and
- (4) Indicate when and where written comments will be received concerning the request.
- (B) Notice publication and mailing. Notice shall be published and mailed not less than 15 days prior to the public hearing as follows.
- (1) Notice of the request shall be published in a newspaper of general circulation in the village.
- (2) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
- (3) Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property, regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used in making notification under this division (B)(3).
- (4) The notice under division (B)(3) above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
- (C) Ordinance amendments and rezonings of more than ten properties. Public hearings for an amendment to the Zoning Ordinance, or the zoning map, that affects 11 or more properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under division (A)(2) above, and notice shall not be required to be mailed to individual properties under divisions (B)(2) and (3) above.
- (D) ZBA interpretations and appeals. Public hearings for ordinance interpretations and appeals of administrative decisions by the Board of Zoning Appeals shall only require notice in a newspaper, as required in division (B)(1) above, and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in division (B)(2) above. Variances shall require full notification under divisions (B)(1) to (3) above.

(Ord. passed 6-18-1991, § 6.8)

## **BOARD OF APPEALS**

### **§ 154.310 BOARD OF APPEALS ESTABLISHED.**

There is hereby established a Board of Appeals which, unless specifically appointed, is the Village Council. In the event a Board of Appeals is appointed, it shall consist of five members, with terms set by the Village Council. The Board of Appeals shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, being MCL 125.3101 et seq., as amended, in such a way that the objectives of this chapter shall be observed, the public health, safety and welfare secured and substantial justice done.

(Ord. passed 6-18-1991, § 7.1)

### **§ 154.311 DUTIES OF THE BOARD OF APPEALS.**

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this chapter. The Board of Appeals shall not have the power to alter or change the zoning district's classification or any property, nor to make changes in the terms of this chapter, but does have the power to authorize a variance as defined in this chapter, to act on those matters where this chapter may require an interpretation and to issue a temporary use permit when authorized by this chapter.

(Ord. passed 6-18-1991, § 7.2)

### **§ 154.312 VARIANCE.**

(A) The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter where, by reason of exceptional narrowness, shallowness, shape or contours of a specified tract of land at the time of enactment of this chapter, or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

(B) A variance from the terms of this chapter shall not be granted by the Board of Appeals unless and until:

(1) A written application for a variance is submitted demonstrating the following.

(a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings that are in the same district.

(b) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.

(c) The special conditions and circumstances do not result from the actions of the applicant.

(d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

(e) No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.

(2) The Board of Appeals shall determine that the requirements of this chapter have been met by the applicant for a variance;

(3) The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

(4) The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

(5) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter;

(6) Each variance granted under the provisions of this chapter shall become null and void unless:

(a) The construction authorized by such variance or permit has been commenced within 180 days after the granting of such variance and pursued diligently to completion; or

(b) The occupancy of land or buildings authorized by such variance has taken place within 180 days after the granting of such variance.

(7) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

(Ord. passed 6-18-1991, § 7.3) Penalty, see § 154.999

### **§ 154.313 INTERPRETATION OF ZONING ORDINANCE.**

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision or refusal made by the Planning Commission, the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this chapter, including interpretations of the Zoning Map.

(Ord. passed 6-18-1991, § 7.4)

## **APPEALS TO THE BOARD OF APPEALS**

### **§ 154.325 APPEALS, HOW TAKEN.**

Appeals from the ruling or interpretation concerning the enforcement of the provisions of this chapter may be made to the Board of Appeals, within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Village Clerk. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

(Ord. passed 6-18-1991 , § 7.5.1)

### **§ 154.326 WHO MAY APPEAL.**

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the township, village, county or state.

(Ord. passed 6-18-1991 , § 7.5.2)

### **§ 154.327 FEE FOR APPEAL.**

A fee prescribed by the Village Council shall be paid to the Board of Appeals at the time of filing the notice of appeal, which the Board of Appeals shall pay over, within 30 days after deciding any appeal, to the General Fund of the village.

(Ord. passed 6-18-1991 , § 7.5.3)

### **§ 154.328 EFFECT OF APPEAL; RESTRAINING ORDER.**

An appeal stays all proceedings in furtherance of the action appealed unless the Village Clerk certifies to the Board of Appeals, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Appeals or by the Circuit Court on application of notice to the Village Clerk and due cause is shown.

(Ord. passed 6-18-1991 , § 7.5.4)



### **§ 154.329 NOTICE OF HEARING.**

The Board of Appeals shall fix a reasonable time for the hearing of the application or appeal and give notice in accordance with § 154.296 of this code.

(Ord. passed 6-18-1991, § 7.5.5; Ord. passed 5-20-2009)

### **§ 154.330 REPRESENTATION OF HEARING.**

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

(Ord. passed 6-18-1991, § 7.5.6)

### **§ 154.331 DECISIONS OF THE BOARD OF APPEALS TO THE CIRCUIT COURT.**

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right of appeal to the Circuit Court.

(Ord. passed 6-18-1991, § 7.5.7)

## **AMENDMENT PROCEDURES GENERALLY**

### **§ 154.345 INITIATING AMENDMENTS AND FEES.**

(A) The Village Council may from time to time, on recommendation from the Planning Commission or on its own motion, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Village Council, the Planning Commission or by the proposed amendment.

(B) Except for the Village Council or the Planning Commission, the petitioner requesting an amendment shall at the time of the application pay the fee established by resolution of the Village Council, no part of which shall be returnable to the petitioner.

(Ord. passed 6-18-1991, § 8.1)

### **§ 154.346 AMENDMENT PROCEDURES.**

(A) The procedure for making amendments to this chapter shall be in accordance with Public Act 110 of 2006, being MCL 125.3101 et seq., for villages and cities. The Act requires that the following procedure be followed.

(1) A public hearing shall be held by the Planning Commission.

(2) One notice of the public hearing, giving the subject to be discussed, time and place of the hearing, will be published in a newspaper of general circulation in the village not less than 15 days before the hearing.

(3) Similar notice must be mailed to any public utilities and railroads which have registered with the village for such notification at least 15 days prior to the hearing.

(4) In the case of a property rezoning, the owner of the property in question will receive a written notice at least 15 days prior to the hearing.

(B) In addition to the above procedure, the following notification will also be performed.

(1) One notice of any public hearing called by the Planning Commission will be posted at the Village Office, to be visible from the outside of the building.

(2) In the case of a property rezoning, all property owners/occupants within 300 feet of the proposed rezoning will receive a written notice at least 15 days prior to the hearing.

(Ord. passed 6-18-1991, § 8.2)

### **§ 154.347 CONFORMANCE TO COURT DECREE.**

Any amendment for the purpose of conforming to a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Village Council and the amendments published without referring the same to any other board or agency.

(Ord. passed 6-18-1991, § 8.3)

## CONDITIONAL REZONING

### **§ 154.360 INTENT.**

It is recognized that there are certain instances where it would be in the best interests of the village, as well as advantageous to property owners seeking a change in zoning classifications, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this subchapter to provide a process consistent with the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, § 405, being MCL 125.3405, as amended, by which an owner seeking rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

### **§ 154.361 APPLICATION AND OFFER OF CONDITIONS.**

(A) An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

(B) The required application and process for considering a rezoning request with conditions shall be the same as that for considering a rezoning request made without any offer of conditions, except as modified by the requirements of this section.

(C) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

(D) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

(E) Any development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.

(F) Any development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this chapter.

(G) Any use or development proposed as part of an offer of conditions that requires a site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this chapter.

(H) The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are included voluntarily by the owner. An owner may withdraw all or part of its offer of conditions anytime prior to final rezoning action of the Village Council, provided that if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

#### **§ 154.362 PLANNING COMMISSION REVIEW.**

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in §§ 154.210 and 154.296 of this code, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to, and thereafter offered by, the owner.

#### **§ 154.363 VILLAGE COUNCIL REVIEW.**

After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in § 154.210 of this code. Should the Village Council consider amendments to the proposed conditional rezoning advisable, and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, § 308, being MCL 125.3308, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning, with or without amendments.

#### **§ 154.364 APPROVAL.**

(A) If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment, or otherwise, as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.

(B) The statement of conditions shall:

(1) Be in a form recordable with the County Register of Deeds or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the Village Council;

(2) Contain a legal description of the land to which it pertains;

(3) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land;

(4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined;

(5) Contain a statement acknowledging that the statement of conditions, or an affidavit or memorandum giving notice thereof, may be recorded by the village with the County Register of Deeds; and

(6) Contain the notarized signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

(C) Upon rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The Village Clerk shall maintain a listing of all lands rezoned with a statement of conditions.

(D) The approved statement of conditions, or an affidavit or memorandum giving notice thereof, shall be filed by the village with the County Register of Deeds. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the village or to any subsequent owner of the land.

## **§ 154.365 COMPLIANCE WITH CONDITIONS.**

(A) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this chapter and be actionable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(B) No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.

Penalty, see § 154.999

### **§ 154.366 PERFORMANCE BOND REQUIREMENT.**

(A) Before a building permit is issued, the applicant shall furnish a performance bond, irrevocable letter of credit or a cash bond deposited with the village. The amount and terms of the performance bond, irrevocable letter of credit or cash bond shall be established and approved by the Village Council or its designee. The purpose of the requirements set forth in this section is to permit the property to be restored to its original state in the event of a default on the part of the applicant in completing the project according to the terms of the site plan, the statement of conditions and this chapter. The requirements set forth in this section shall become effective upon the issuance of a building permit with respect to each and every one of the development phases which are part of an approved site plan, or an amended site plan. Such requirements will not extend beyond a period of five years from the date on which a site plan, or amended site plan, is approved by the Village Council.

(B) The requirements set forth herein shall cease and terminate upon the first of the following to occur:

- (1) The expiration of the five-year period mentioned above; or
- (2) Upon a final occupancy permit having been signed and issued by all departments required to sign such permit with respect to each and every phase of the development.

### **§ 154.367 TIME PERIOD FOR ESTABLISHING DEVELOPMENT USE.**

(A) Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land, pursuant to building and other required permits, must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion.

(B) This time limitation may, upon written request, be extended by the Village Council if:

- (1) It is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
- (2) The Village Council finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area.

Penalty, see § 154.999

### **§ 154.368 REVERSION OF ZONING.**

If the approved development and/or use of the rezoned land does not occur within the time frame specified under § 154.367 of this code, then the land shall revert to its former zoning classification as set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, § 405, being MCL 125.3405, as amended. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

### **§ 154.369 SUBSEQUENT REZONING OF LAND.**

When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with different or no statement of conditions, whether as a result of a reversion of zoning pursuant to § 154.368 of this code or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Village Clerk shall record with the County Register of Deeds a notice that the statement of conditions is no longer in effect.

### **§ 154.370 AMENDMENT OF CONDITIONS.**

(A) During the time period for commencement of an approved development or use specified pursuant to § 154.367 of this code, or during any extension thereof granted by the Village Council, the village shall not add to or alter the conditions in the statement of conditions.

(B) The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and statement of conditions.

### **§ 154.371 VILLAGE RIGHT TO REZONE.**

Nothing in the statement of conditions, nor in the provisions of this subchapter, shall be deemed to prohibit the village from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the state's Zoning Enabling Act, Public Act 110 of 2006, being MCL 125.3101 et seq., as amended.



### **§ 154.372 FAILURE TO OFFER CONDITIONS.**

The village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

## **LEGAL STATUS**

### **§ 154.385 CONFLICT WITH OTHER LAWS.**

(A) Conflicting laws of a more restrictive nature are not affected or repealed by this chapter. The provisions of this chapter shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than the degrees of restrictiveness, are hereby repealed.

(B) 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 provisions of this chapter shall govern.

(Ord. passed 6-18-1991, § 9.1)

### **§ 154.386 VALIDITY AND SEVERABILITY CLAUSE.**

(A) If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not included in said ruling.

(B) If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

(Ord. passed 6-18-1991, § 9.2)

### **§ 154.387 PERIOD OF EFFECTIVENESS.**

This chapter shall remain in full force and effect henceforth unless repealed.

(Ord. passed 6-18-1991, § 9.3)

## **§ 154.999 PENALTY.**

Uses of land and dwellings, buildings or structures, including tents and mobile homes, used, erected, altered, razed or converted in violation of any provision of this chapter are hereby declared to be a nuisance per se. The court shall order such nuisance abated, and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged of maintaining a nuisance per se. Anyone violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500 and the costs of prosecuting thereof, or imprisonment in the County Jail for a period not to exceed 90 days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. passed 6-18-1991, § 6.7)

## APPENDIX A: REGULATING PLAN AND ZONING MAP

