

ARTICLE 5

SUPPLEMENTAL REGULATIONS

SECTION 5.1 -- PURPOSE

It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 -- SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement within the 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 Ordinance requires site plan review by the Planning Commission and approval by the Village Council for all buildings and structures as noted in Section 5.2.1.

SECTION 5.2.1 -- BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN

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 approved by the Village Council, and such approval is in effect:

1. Residential duplexes
2. Mixed residential/office
3. Multiple family dwellings
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, etc.
7. All conditional uses in all districts
8. All condominium and site condominium projects (Amended, effective January 4, 1994)
9. Site plan review by the Planning Commission is required whenever any one of the following changes are made to a developed site:
 - A. A separate principal building or structure is added to a developed site.

- B. A site is razed and a new principal building or structure is erected.
- C. Additional off-street parking is needed in addition to that already provided. (Amended, effective December 30, 2000)

SECTION 5.2.2 -- APPLICATION AND FEE FOR SITE PLAN REVIEW

Any person may file a request for a site plan review by the Planning Commission by the 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 of Grass Lake. As an integral part of said application, the applicant shall file at least two (2) copies of a site plan.

SECTION 5.2.3 -- 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 forty-five (45) days, make recommendations 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 the Ordinance, 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 will forward its recommended to the Village Council within forty-five (45) days. The Planning Commission may extend this time for periods not to exceed thirty-one (31) days each if such extensions are necessary for adequate review. (Amended, effective December 30, 2000)

SECTION 5.2.4 -- 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 section 1 *or* 2 and 3 below. (Amended, effective September 27, 1999.)

1. Every site plan submitted, except site plans for uses as prescribed in Section 5.2.4.2 of this Ordinance (below), shall be drawn to a readable scale and include the following details:
 - A. 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.
 - B. The location, and all boundaries of the property and dimensions and the location and use of all existing structures.
 - C. The location, size, and a brief description of any proposed construction of new structures or additions to existing structures.
 - D. The location of all existing and proposed streets, parking lots, driveways, signage, and other improvements to be constructed or used in the proposed project.

- E. The current zoning classification of the subject property and that of all adjacent properties.
 - F. A listing of current utilities and any proposed/required updates.
 - G. Any proposed changes to topography and other natural features.
 - H. Any other information which you think would be helpful to the planning commission during the review of this site plan.
2. Site plans submitted for the following uses shall be subject to the requirements of Section 5.2.4.3. (Amended, effective September 27, 1999.)
- A. New construction of a multiple-family building containing four (4) or more dwelling units.
 - B. Any project involving more than one multiple-family building on a lot, parcel, or series of lots under one (1) ownership.
 - C. An office in a residential district.
 - D. Condominium and site condominium projects.
 - E. Private roads
 - F. Mobile home parks
 - G. All new commercial and industrial construction (amended, effective march 1, 2004)
 - H. The following conditional uses:
 - 1) Mobile home subdivisions
 - 2) Automobile repair garages
 - 3) Hotels and motels
 - 4) Drive-in or drive-thru businesses, including drive-in theaters
 - 5) Automobile wrecking and salvage yards
 - 6) Bulk storage of explosives or flammable liquids
3. Site plans submitted for uses prescribed in Section 5.2.4.2 shall be submitted in accordance with the following requirements: (amended, effective September 27, 1999)
- A. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (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.
 - B. The property shall be identified by lot lines and location, including dimensions, angles, and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.

- C. The site plan shall show the scale, north point, boundary dimensions; topography (at least two foot contour intervals); and natural features such as woodlots, streams, rivers, lakes, drains, and similar features.
- D. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
- E. 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.
- F. 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 Michigan Barrier Free Code, and the identification of service lanes and service parking. Any proposed exterior lighting and signage shall also be indicated. (Amended, effective March 1, 2004)
- G. 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.
- H. Any site plan application subject to Planning Commission review shall include a photometric plan overlaid on the site plan illustrating the planned layout and footcandles of site lighting. The following are required for review:
 - 1) Lighting plan showing light pole and fixture locations and type designations;
 - 2) 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
 - 3) Lighting manufacturer's equipment specifications and data sheets.
- I. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
- J. 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. (Amended, effective August 18, 2002)
- K. 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. (Effective March 1, 2004) (Amended, effective May 20, 2009.)

SECTION 5.2.5 -- STANDARD FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of this Ordinance 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 Section 5.3.5. 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. (Amended, effective September 27, 1999 and December 30, 2000)

SECTION 5.2.6 -- VILLAGE COUNCIL APPROVAL OF SITE PLAN

Within forty-five (45) days from the date of the Planning Commission's recommendation, the Village Council shall review the Planning Commission's findings and recommendations and shall approve, conditionally approve, or deny a site plan. The Council 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 Section 5.2.5 and any performance guarantee required under Section 5.2.9. A zoning compliance permit and a building permit shall not be issued until the site plan has been approved by the Village Council.

Upon the Village Council approval of a site plan the applicant shall file with the Clerk four (4) copies thereof, amended as necessary. The Clerk shall within ten (10) days transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provision of this Ordinance and that any performance guarantee has been received.

The applicant may appeal the decision of the Village Council 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 thirty (30) days of the Village Council's decision and shall specify what conditions are being appealed. (Amended, effective March 6, 1995 and amended, effective September 27, 1999).

SECTION 5.2.7 -- EXPIRATION OF SITE PLAN APPROVAL

A site plan shall expire, and be of no effect, three hundred and sixty-five (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 (5.2.4.c (10)), 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 (5) years from the date of approval.

If, following the start of construction, work ceases for a period of one hundred eighty (180) days or more, site plan approval shall expire.

The Planning Commission shall be permitted to extend the period of effectiveness of a site plan approval once and not to exceed one hundred eighty (180) 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. (Amended, effective March 1, 2004)

SECTION 5.2.8 -- FLEXIBLE LANDSCAPING

If, in the opinion of the Planning Commission, the characteristics of the site achieve the spirit and intent of this ordinance 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. (Effective February 15, 1996).

SECTION 5.2.9 -- PERFORMANCE GUARANTEES

To assure the orderly completion of a land development project, at the recommendation of the Village of Grass Lake Planning Commission, and approved by the Village Council, the builder or developer shall be required to post a Guarantee in the form of a Performance Bond or Cash Deposit.

- A. 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.
- B. 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.
- C. If the applicant shall fail to provide any Site Improvement according to the approved plans within the time specified in the Guarantee, the Village Council shall be entitled to enter upon the site and complete the improvements. The Village Council may defray the cost thereof by the use of the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant will provide a projected work schedule and completion dates. The applicant and the Village Council 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.
- E. 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.
- F. When all of the required improvements have been completed, the Zoning Administrator shall inspect the property and submit a written report to the Village Council. If the improvements are deemed satisfactory, the Council 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. {Effective June 6, 1996, and amended, effective September 27, 1999}

SECTION 5.3 -- CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Village of Grass Lake 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 of Grass Lake. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 5.3.1 -- AUTHORITY TO GRANT PERMITS

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Village Council to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Village of Grass Lake may determine for all conditional uses specified in the various district provisions of the Ordinance.

SECTION 5.3.2 -- APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Village of Grass Lake Clerk by filing an official 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.

SECTION 5.3.3 -- DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION

An application for a 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, the address of the property involved; an accurate survey drawing, and a site plan in accordance with Section 5.2; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

SECTION 5.3.4 -- PUBLIC NOTIFICATION

The Planning Commission shall hold a public hearing upon an application for a conditional use permit, notice of which shall be given in accordance with Section 6.8. (Amended, effective May 20, 2009.)

SECTION 5.3.5 -- 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:

1. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.

2. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not create excessive additional requirements at public costs for public facilities and services.
6. The use shall comply with any applicable standards of Section 4.7.

SECTION 5.3.6 -- DETERMINATION AND IMPOSITION OF CONDITIONS

If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Village Council that said Village Council should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Village Council, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best interest of the Village of Grass Lake and the surrounding property, and to achieve the objectives of this Ordinance.

SECTION 5.3.7 -- APPROVAL, GRANT OR PERMIT

Upon holding a public hearing and the finding that the requirements of subsections 5.3.2 through 5.3.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Village Council. When the Village Council gives final approval, a conditional use permit shall be issued to the applicant. In any case, the Village Council shall specify the grounds for its decision, and any conditions imposed in a statement of conclusions. The Village Council shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector, and Planning Commission.

The Zoning Administrator shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Village Council.

SECTION 5.3.8 -- VOIDING OF CONDITIONAL USE PERMITS

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred and ten (210) days and completed within five hundred and seventy-five (575) days of the date of issuance. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to recommend to the Village Council that it terminate and cancel such conditional use permit.

SECTION 5.4 -- OFF-STREET PARKING REQUIREMENTS

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 Ordinance.

SECTION 5.4.1 -- 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 (e.g., from residential to office). (Amended, effective December 30, 2000)

SECTION 5.4.2 -- 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 three hundred (300) feet of the lot. In the CBD, this distance shall be six hundred (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. (Amended, effective May 20, 2009.)

SECTION 5.4.3 -- PARKING IN RESIDENTIAL DISTRICTS

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) 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.

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. (Amended, effective May 20, 2009.)

SECTION 5.4.4 -- OFF-STREET PARKING AREA DESIGN

1. Each off-street parking space for automobiles shall be a minimum of nine (9) feet by twenty (20) feet in area, exclusive of access drives or aisles, and shall be of useable shape and condition.
2. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
3. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:

- A. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 - B. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
 - C. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - D. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- 4. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
 - 5. 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.
 - 6. 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.
 - 7. 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.

SECTION 5.4.5 -- 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.

SECTION 5.4.6 -- DETERMINING REQUIREMENTS

For the purposes of determining off-street parking requirements the following units of measurement shall apply:

- 1. **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 Section 2.2 (x).
- 2. **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 eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- 3. **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 ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

SECTION 5.4.7 -- SCHEDULE OF OFF-STREET PARKING SPACES

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.

<u>USE</u>	<u>NUMBER OF PARKING SPACES</u>
A. Dwellings	
One- and two-family, each dwelling unit	2
Multiple-family, each dwelling unit	1 ½
B. Places of Public Assembly	
Auditorium, other than school, each four seats	1
Bowling alley, each alley	8
Business and technical schools, each three students enrolled (day or night classes), whichever is greater	1
Churches, for each four seats	1
Civic or social club, for each 150 square feet of floor area used for assembly room	1
Colleges and universities, for each three students enrolled	1
Community center, for each 100 square feet of floor area used for assembly	1
Dance hall, studio, skating rink, each 100 square feet of floor area used for assembly by public	1
Junior high and elementary schools, each nine auditorium seats	1
Library, museum and art gallery, each five seats	1
Mortuary or funeral home, each 50 square feet of floor area used for assembly room (services)	1
Senior high schools, each four students	1
Stadium or sports arena, each four seats	1
Theater, each four seats	1
C. Hotels, motels, bed and breakfasts and tourist homes, per sleeping unit bedroom plus one space for each employee at the maximum shift	1
D. Private clubs, lodge or halls, for each 150 square feet of floor area used for assembly	1
E. Hospitals, Institutions and Clinics	
Hospital, for each patient bed	1
Sanitarium and convalescent home, for each two beds	1
Homes for aged and children's homes, for each three persons in residence	1
Medical and dental clinic or office, for each 200 square feet of gross floor area	1
F. Offices, all types except doctor and dentists, for each 250 square feet of gross floor area	1
G. General business and service establishments, for each 250 square feet of sales space (loading and unloading not included in parking space)	1
H. Restaurant, bar, grill, tavern, dining room of hotel or motel, dairy bar and other eating establishments, for each 125 square feet of floor area or every two seats, whichever is greater	1
I. Manufacturing, processing and/or fabrication, warehouse and storage facilities and experimental laboratories, for each two employees on maximum shift	1
J. Golf Courses, for each hole. In addition, accessory uses customarily associated with golf courses shall be calculated separately	1

(Amended, effective May 20, 2009.)

SECTION 5.4.8 -- 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 non-conflicting 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.

SECTION 5.4.9 -- OFF-STREET PARKING REQUIREMENTS IN CENTRAL BUSINESS DISTRICT (CBD)

In recognition of the unique characteristics of the downtown area, the following regulations apply to all uses listed as conditional uses under Section 4.6.3 of this Ordinance. Unless specifically superseded by regulations found within this Section, the regulations found within Section 5.4 (Off Street Parking Requirements) shall apply.

1. **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 no farther than six hundred (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.
2. **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.
3. **Parking Space Requirements for CBD Uses or Structures.** After performing the calculation to determine the required number of parking spaces from Section 5.4.7, Schedule of Off-Street Parking, one (1) required parking space shall be deducted from the required number of parking spaces for each fifteen (15) feet of frontage that a lot or tract has on a street with municipal on-street parking provided.

SECTION 5.5 -- OFF-STREET LOADING AND UNLOADING REQUIREMENTS

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.

SECTION 5.5.1 -- 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.

SECTION 5.5.2 -- OFF-STREET LOADING AREA DESIGN

1. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length and not less than fifteen (15) feet in height clearance.
2. Any loading-unloading space shall not be closer than fifty (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 (6) feet in height.
3. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

SECTION 5.5.3 -- OFF-STREET LOADING AREA SPACE REQUIREMENTS

1. 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.
2. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
3. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 5.6 -- 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:

1. 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;
2. 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 (6) feet in height, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts;
3. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of passenger vehicles on a driveway located on private property shall not be prohibited; and
4. This section is in no way intended to contradict the Village of Grass Lake ordinance on Storage of Motor Vehicles.

SECTION 5.7 -- 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 (3) feet and eight (8) 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 (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 5.8 -- HOME BUSINESS

A home business shall be incidental and secondary to the use of the dwelling unit or accessory structure for business purposes. The following additional conditions shall be observed:

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 (1) sign as specified in Section 5.15.3. (Amended, effective September 27, 1999.)

SECTION 5.9 -- FENCES

Fences which enclose property shall comply with the following regulations:

1. General Fence Standards
 - A. 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.

- B. Fences shall not contain electric current, or charges of electricity unless the property abuts agriculturally-used land.
 - C. Barbed wire, chicken wire, and razor wire are prohibited.
 - D. 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 Section 5.7, Visibility at Intersections. (Amended, effective September 27, 1999.)
- 2. Fences in Residential and Open Space Zoning Districts - Except as otherwise regulated, fences in the R-1, R-2, and OS-1 zoning districts shall not exceed four (4) feet in height from the front property line of the property to the front of the dwelling. Fences shall not exceed six (6) feet in height from the front of the dwelling to the rear of the property line. Fences in the RM-1 Zoning District shall be constructed according to the regulations found in Section 4.10.b.1.
 - 3. Fences in Commercial and Industrial Zoning Districts - Except as otherwise regulated, fences in the C-1, C-2, and I-1 zoning districts shall not exceed four (4) feet in height from the front property line of the property to the front of the main building on the lot. Fences shall be a maximum of eight (8) feet in height from the front of the main building to the rear property line. Within the C-2 district, fences shall be aesthetically compatible with the general character of the downtown area. (Amended, effective December 8, 1994).

SECTION 5.10 - ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- 1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
- 2. Detached accessory buildings shall not be erected in any required yard except a rear or side yard.
- 3. An accessory building shall follow height requirements as set forth in the district regulations.
- 4. No detached accessory building shall be located closer than ten (10) feet to any building nor shall it be located closer than eight (8) feet to any side or rear lot line. (Amended March 1, 2004)
- 5. Accessory buildings shall be constructed of materials similar to those of principal and accessory buildings in the surrounding area. In addition, accessory structures shall be compatible in design and appearance to principal and accessory buildings in the surrounding area.

SECTION 5.11 - TEMPORARY USE

- 1. 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 an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare.

2. 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 (7) days in any thirty (30) day period.

SECTION 5.12 -- ESSENTIAL SERVICES

1. Nothing in this Ordinance shall prohibit the provision of essential service, provided the installation of such service does not violate any other applicable provision of this Ordinance.
2. 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 Ordinance.

SECTION 5.13 -- 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.

SECTION 5.14 -- 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 Chapter VIII (Nuisances) and Chapter IX (Dilapidated Buildings) of the Village of Grass Lake General Ordinances.

SECTION 5.15 -- SIGN REGULATIONS

SECTION 5.15.1 -- PURPOSE

The Village of Grass Lake Sign regulations are hereby established in order to regulate the placement, height, setback, lighting, size, and type of signs placed within the Village of Grass Lake. Signs in the Village of Grass Lake shall be regulated herein in order to protect health, safety, and welfare; to enhance the appearance of the Village of Grass Lake; to protect property values; and to encourage the economic development of the Village of Grass Lake.

SECTION 5.15.2 -- GENERAL PROVISIONS

1. No sign shall be erected at any location without a current permit being issued. Permit applications must demonstrate that the sign installation conforms to the requirements of this Ordinance. This requirement also includes mobile signs.

2. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
3. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing intended character of their vicinity so as not to change the aesthetic character of such area.
4. Illuminated signs shall follow the following guidelines:
 - A. No sign shall be illuminated by other than electrical means and all wiring shall satisfy Village of Grass Lake electrical codes.
 - B. The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or onto abutting public streets.
 - C. Flashing, rotating, or moving lights shall be prohibited, except time and temperature signs.
5. Signs that are not expressly listed as permitted in this Ordinance are prohibited. The following are examples of prohibited signs:
 - A. Roof signs
 - B. Signs containing flashing, intermittent, or moving lights or with moving or revolving parts. This provision is not intended to exclude those signs which give the time or temperature, provided no other animated messages are displayed.
 - C. Signs affixed to trees, rocks, shrubs, or similar natural features, provided, signs denoting a site of historic significance may be allowed.
 - D. Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices.
 - E. Temporary signs mounted upon trucks, vans, or other wheeled devices that identify the owner's occupation or livelihood. Signs permanently painted or otherwise displayed, including magnetic signs, upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted.
 - F. Signs in the public right-of-way or on public property unless specifically approved by the Village Council.
 - G. Any sign or sign structure which:
 - 1) Is structurally unsafe, or
 - 2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, or
 - 3) Is not kept in good repair.
 - G. Signs which make use of words such as "stop", "look", "danger", or any other words phrases, symbols, or characters, in such a manner as to interfere with, mislead or confuse traffic.

- H. Any sign or other advertising structure containing any obscene, indecent, or immoral matter.
 - I. Any sign unlawfully installed, erected, or maintained.
6. The following signs are permitted in all zoning districts:
- A. One (1) nameplate not exceeding two (2) square feet in size; memorial signs or tablets may be up to six (6) square feet in size. Historical markers, cemetery stones, and house numbers are to be excluded from square footage requirement.
 - B. Political signs advocating or opposing candidates for public office or issue to be determined by election may be erected prior to an election. Such signs shall be erected on private property only and no less than one hundred (100) feet from any entrance to a building in which a polling place is located. All such signs shall be removed ten (10) days following election day.
 - C. Directional signs which indicate the direction of traffic flow. Directional signs shall not exceed two (2) square feet in size, shall contain no advertising, and may be illuminated.
 - D. Flags, bearing the official design of a nation, state, or municipality, educational institution, or service organization may be displayed provided that the flagpoles to which they are attached do not exceed thirty (30) feet in height.
7. Unless otherwise specifically stated, freestanding signs shall be set back a distance equal to one-half ($\frac{1}{2}$) of the appropriate front yard setback for the R-1, R-2, RM-1, C-1, and I-1 districts. Freestanding signs shall be set back a minimum of ten (10) feet in the C-1 and OS-1 districts. Freestanding signs shall not exceed twelve (12) feet to the top of the sign face and shall not exceed eight (8) feet in height to the bottom of the sign face.

SECTION 5.15.3 -- PERMITTED ON-SITE SIGNS IN R-1, R-2, RM-1, AND OS-1 DISTRICTS

1. In addition to the signs mentioned in Section 5.15.2 (F), the following signs are permitted on-site in all residential zoning districts:
- A. One (1) sign advertising the sale or lease of the lot or building on the lot not exceeding six (6) square feet in area. Further, the sign shall be removed within ten (10) days after the sale or transaction of the property or building has occurred.
 - B. One (1) on-site sign announcing a home business, boarding home, owner-occupied bed and breakfast establishment, day care facility, or funeral home (in R-2 and RM-1 districts only) with a maximum area of six (6) square feet. The sign shall be placed flat against the building, hung from a porch, displayed in a window, or placed in the ground parallel to the front of the dwelling within ten (10) feet of the front of the dwelling. Ground signs shall not exceed three (3) feet in height. (Amended, effective September 16, 1999.)
 - C. One (1) on-site sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area. Such sign shall be removed after the sale after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
 - D. One on-site sign identifying a school, synagogue, temple, church, park, public building, or other authorized use not to exceed eighteen (18) square feet in area.

2. In addition to those listed in Section 5.15.3 (1), the following sign is permitted in the RM-1 zoning district: One (1) on-site sign not having commercial connotations identifying a multiple-family building or development or mobile home park, not to exceed eighteen (18) square feet in area.
3. In addition to those signs listed in Section 5.15.3 (1), the following signs are permitted in the OS-1 zoning district: One (1) on-site sign identifying a golf course not to exceed ten (10) square feet in area. In addition, a clubhouse, restaurant, bar, or any other such use customarily associated with, and secondary to the golf course, may provide one (1) sign not to exceed ten (10) square feet in area. Such sign(s) shall be set back a minimum of ten (10) feet from any property line.

SECTION 5.15.4 -- SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

In addition to those signs mentioned in Section 5.15.3 (1) the following signs are permitted in commercial and industrial zoning districts:

1. One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two-hundred (200) square feet in area.
2. For commercial and industrial uses there shall be permitted one (1) sign for the first one hundred fifty (150) feet of frontage. This sign shall have a maximum area of thirty-two (32) square feet in area. An additional sign is permitted for each one (1) foot to one hundred fifty (150) feet portion of lot frontage in excess of the first one hundred fifty (150) feet of frontage.
3. One wall sign provided that the following regulations are adhered to:
 - A. No wall sign shall be erected to extend above the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached.
 - B. Signs shall have a maximum size of one (1) square foot of sign area for each one (1) foot of lineal street frontage of the lot upon which the building is located not to exceed thirty-five (35) square feet.
4. Marquee, awning and canopy signs may be substituted in whole or part for permitted wall signs. The total square footage of marquee signs shall be deducted from the total permitted square footage of total wall sign area.
5. Interior window signs shall be permitted on each floor level and shall not exceed fifty (50) percent of the total window area on each floor level.

SECTION 5.15.5 -- NON-CONFORMING SIGNS

Signs lawfully erected prior to the effective date of this Ordinance, which do not meet the standards of the Section may be maintained except as provided hereinafter. No non-conforming sign shall:

1. Be changed to another non-conforming sign;
2. Be modified so as to change the shape or size of the sign;

3. Be repaired or re-erected after sustaining damage valued at more than fifty (50) percent of the costs of an identical new sign; or
4. Be moved to another location on the premises.

SECTION 5.15.6 -- ENFORCEMENT

1. Public Nuisance Per Se - Any sign which is erected, altered, or converted, and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
2. If the Zoning Administrator shall find that any sign is maintained in violation of the provisions of this Section, he shall give written notice to the person owning or having the beneficial use of the sign or the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this Section within thirty (30) days after such notice, the Zoning Administrator may cause such sign to be removed at the expense of the owner or the persons having the beneficial use of the property or sign. The Zoning Administrator may cause any sign which is immediate peril to persons or persons' property to be removed forthwith. These procedures are supplemental to other legal remedies as available for the enforcement of the Section.

SECTION 5.16 --UTILITIES

SECTION 5.16.1 - LIGHTING

1. 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.
2. All Commercial and Industrial Projects: While artificial lighting may be of sufficient intensity to discourage vandalism and theft, it shall be so arranged as to reflect the light away from any adjoining residential property with an average maintained footcandle (AMF) lighting level of 1.0. Light rays emitted shall not shine directly into any adjacent or nearby residence. A lighting plan demonstrating compliance shall be submitted to the Planning Commission.
3. Within Condominium, Site Condominium, PUD projects, and Platted Subdivisions, a consistent type of pedestrian-scale lighting shall be provided along all sidewalks, within any off-street parking lots, and along road frontages.

SECTION 5.16.2 - UNDERGROUND WIRING

Within all Condominium and Site Condominium projects, Planning Unit Developments (PUD), Planned Industrial Developments (PID), and Platted Subdivisions:

1. The owner/developer shall make arrangements for all distribution lines for electric, telephone, and cable TV service to be placed underground entirely through the project area. Such conduits or cables shall be placed within dedicated public rights-of-way or within private easements provided to such services 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.

2. Conduits or cables placed in a public right-of-way shall be planned so as not to conflict with other underground facilities.
3. All telephone and electrical facilities shall be constructed in accordance with construction standards approved by the Michigan Public Service Commission.
4. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the owner/developer.

SECTION 5.16.3 - SIDEWALKS/PEDESTRIAN CIRCULATION

1. 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.
2. Sidewalks at least five (5) feet wide shall be provided along both sides of a public street. The surface shall be concrete. (Effective June 4, 2009)
3. All commercial, industrial, and residential developments shall provide:
 - A. connections between all public sidewalks and building entrances
 - B. connections between public sidewalks adjacent to the development and those within the development. (Effective December 30, 2000)

SECTION 5.17 --SITE CONDOMINIUMS

SECTION 5.17.1 - PURPOSE

Pursuant to authority conferred by the Condominium Act, Act 59 of 1978, as amended, all condominium plats must be approved by the Village of Grass Lake 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.

SECTION 5.17.2 - DEFINITIONS

The following definitions shall apply in the construction and application of this section:

1. **Area Line**

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.

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.

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 or rear yard area lines.

2. **Building Envelope** - The principal structure intended for a building site, together with any attached accessory structures, e.g. in a residential development, the building envelope would refer to the house and any attached garage.
3. **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.
4. **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.
5. **Condominium Unit** - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
6. **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 documents and in accordance with this Ordinance and the Condominium Act.
7. **Convertible Condominium** - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **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 Ordinance and the Condominium Act.
9. **Lot** - The same as "Condominium Lot".
10. **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 by-laws for the project and the approved condominium subdivision plan for the project.
11. **Setback** - The distance between the front, rear, or side yard area line and the portion of the condominium dwelling closest to that area line.

Front Yard Setback - The distance between the front yard area line and the condominium dwelling.

Rear Yard Setback - The distance between the rear yard area line and the condominium dwelling.

Side Yard Setback - The distance between the side yard area line and the condominium dwelling. (Amended, effective September 27, 1999.)

SECTION 5.17.3 - CONDOMINIUM PLAN - REQUIRED CONTENTS

1. All condominium plans shall include the information required by Section 66 of the Condominium Act and the following:
 - A. A survey plan of the condominium subdivision.
 - B. A flood plain plan, when appropriate.
 - C. A site plan showing the location, size, shape, area, and width of all condominium units.
 - D. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Village of Grass Lake for installation, repair, and maintenance of all utilities.
 - E. A street construction, paving, and maintenance plan for all private roads within the proposed condominium subdivision.
 - F. A storm drainage and stormwater management plan, including all lines, swales, basins, and other facilities.
2. **Easements for Utilities** - The condominium plan shall include all necessary easements granted to the Village of Grass Lake for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water, and storm water 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.
3. **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 of Grass Lake for a dedicated public street.
4. **Encroachment Prohibited** - Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium by-laws and recorded as part of the master deed.
5. **Relocation of Boundaries** - The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the by-laws and recorded as part of the master deed.
6. **Subdivision of Condominium Units** - All individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the by-laws and recorded as part of the master deed.
7. **Condominium Subdivision Layout, Design, and Approval** - All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design, layout, and improvements standards of Section 5.2 (Site Plan Review and Approval) of the Village of Grass Lake Zoning Ordinance. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Village of Grass Lake if required by the Village Council 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.

SECTION 5.17.4 CONDOMINIUM SUBDIVISION APPROVAL - ADDITIONAL REGULATIONS

The following regulations shall apply to all condominium projects within the Village of Grass Lake:

1. **Initial Information** - Concurrently with notice required to be given the Village of Grass Lake pursuant to Section 71 of Public Act 59 of 1978, as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
 - A. The name, address, and telephone number of:
 - 1) 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).
 - 2) All engineers, attorneys, architects, or registered land surveyors associated with the project.
 - 3) The developer or proprietor of the condominium project.
 - B. The legal description of the land on which the condominium project will be developed together with the appropriate tax identification numbers.
 - C. The acreage content of the land on which the condominium project will be developed.
 - D. The purpose of the project (for example; residential, commercial, industrial, etc.).
 - E. Approximate number of condominium units to be developed in the subject parcel.
2. **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 the Village of Grass Lake Zoning Ordinance.
3. **Site Plans - New Projects, Master Deed, and Engineering and Inspections** - Prior to recording of the master deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559, 108), the condominium project shall undergo site review and approval pursuant to Section 5.2 of the Village of Grass Lake Zoning Ordinance. In addition, the Village shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
4. **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 Section 5.2 of the Village of Grass Lake Zoning Ordinance.
5. **Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished** - The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built survey". 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.

6. **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 subsection:
- A. 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 re-established by reference to monuments along the sidelines of the streets.
 - B. All monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 - C. 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.
 - D. If the required location of a monument is 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.
 - E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 - F. All required monuments shall be placed flush with the final ground elevation where practicable.
 - G. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter or other approved markers.
 - H. The Grass Lake Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or irrevocable bank letter of credit turning to the Village of Grass Lake, whichever the proprietor selects, in any amount not less than fifty (\$50.00) dollars per monument and not less than two hundred (\$200.00) dollars 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.
7. **Monuments Required - All Condominium Projects** - All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 5.17.4 (F), above.

8. **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.
9. **Temporary Occupancy** - The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance 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 of Grass Lake. Zoning Compliance Permits shall be issued only in accordance with Section 6.4 of the Village of Grass Lake Zoning Ordinance (Zoning Compliance Permits).
10. **Single Family Detached Condominiums** - 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 4.4 units per acre in the R-1 District, 5.4 units per acre in the R-2 District, and 1 unit per acre in the OS-1 District. {Amended, effective June 6, 1996}

There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This seventy (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 twenty-five (25) foot front yard, thirty-five (35) foot rear yard, and eight (8) foot side yard can be met.

This distance shall be measured from the outside limits of a building envelope to the outside limits of its constituent limited common area.

11. **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 Ordinance for the District in which the project is located.
12. **Site Plan** - After submittal of the condominium plan and by-laws 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 of at least twelve by sixteen (12 x 16) inches with an image not to exceed ten and one-half by fourteen (10-1/2 x 14) inches. (Effective January 7, 1994).

SECTION 5.18 – 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. (Amended, effective May 20, 2009.)