

# **VILLAGE OF RAVENNA**

## **ZONING ORDINANCE**

Effective November 9, 1996

(Including all amendments adopted as of June 24, 2022)



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## **CHAPTER 1**

### **TITLE, PURPOSE, AND SCOPE**

#### **SECTION 190.100 TITLE**

This Ordinance shall be known and may be cited as “The Village of Ravenna Zoning Ordinance.”

#### **SECTION 190.101 PURPOSES**

This Ordinance is intended to regulate the use of land and structures, so as to accomplish the following: promote the public health, safety and general welfare; ensure that the use of land will be appropriate as to location and in relation to other uses of land; limit overcrowding of land; prevent congestion of population; ensure provision of and efficient use of transportation, sewage, water supply, energy, education, recreation, and other public facilities; and provide for the orderly and advantageous development of lands in the Village.

#### **SECTION 190.102 SCOPE**

- A. Where any condition imposed by this Ordinance upon the use of any lot, building or structure is either more or less restrictive than any other Ordinance of the Village, the requirement which imposes a higher standard or condition shall apply.
- B. This Ordinance is not intended to abrogate any easement, covenant or other private agreement affecting real property, provided that where this Ordinance imposes a higher standard or condition than such easement, covenant or other private agreement, the provisions of this Ordinance shall govern.
- C. Every use of land, building, or structure, every building or structure built, altered, relocated, enlarged, or demolished in any manner after the effective date of this Ordinance, shall be subject to all regulations contained herein which are applicable to the zoning district within which the use of the land, building or structure is located.
- D. The provisions of this Ordinance shall be the minimum regulations necessary to promote and protect the public health, safety and general welfare.

#### **SECTION 190.103 VALIDITY AND SEVERABILITY**

This ordinance and all parts thereof are hereby declared to be severable. If any section, part or provision of this Ordinance is determined to be invalid, unconstitutional, or otherwise ineffective, by a court of competent jurisdiction, the remaining parts, sections or provisions of the ordinance shall not be affected by any such determination, if such other parts, sections or provisions can be given effect without those parts thus declared to be invalid.

#### **SECTION 190.104 EFFECTIVE DATE**

This Ordinance shall become effective 30 days from the date of publication of the notice of adoption of this Ordinance.

#### **SECTION 190.105 REPEAL OF PRIOR ORDINANCE AND SAVINGS CLAUSE**

The Village of Ravenna Zoning Ordinance, effective February 11, 1978, and all amendments thereto are hereby repealed coincident with the effective date of this Ordinance.

#### **SECTION 190.106 EFFECT OF ZONING**

No land, building, structure or other premises shall be used or occupied, nor shall any building, structure or part thereof be erected, placed, removed, reconstructed, extended, enlarged or altered, except in compliance with the provisions of this Ordinance. This ordinance is adopted pursuant to the terms of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as it may be amended from time to time.

#### **SECTIONS 190.107 - 190.199 (RESERVED)**



## **CHAPTER 2**

### **DEFINITIONS**

#### **SECTION 190.200 RULES OF INTERPRETATION**

- A. The following rules of interpretation shall apply:
- (1) The particular shall control the general.
  - (2) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other legal entity.
  - (3) The phrase “used for” includes arranged for, designed for, intended for, maintained for, or occupied for.
  - (4) A “building” or “structure” includes any part thereof.
  - (5) Unless clearly indicated to the contrary, any regulation involving two or more items connected by conjunction “and,” “or,” “either...or,” the conjunction shall be interpreted as follows:
    - (a) “And” indicates that all connected items shall apply.
    - (b) “Or” indicates the connected items may apply singly or in any combination.
    - (c) “Either...or” indicates that the connected items apply singly, but not in combination.
  - (6) Words used in the present tense shall include the future tense; words used in the singular shall include the plural and the plural shall include the singular, unless the text clearly indicates the contrary.
  - (7) The word “shall” is always mandatory. The word “may” is permissive.
  - (8) In the case of any difference of meaning between the text of this Ordinance and any illustration, the text shall control.
  - (9) Terms not herein defined shall have the meaning customarily assigned to them.
  - (10) Days mean calendar days.

#### **SECTION 190.201 GENERAL DEFINITIONS**

For the purpose of this Ordinance, certain words and terms are defined as follows:

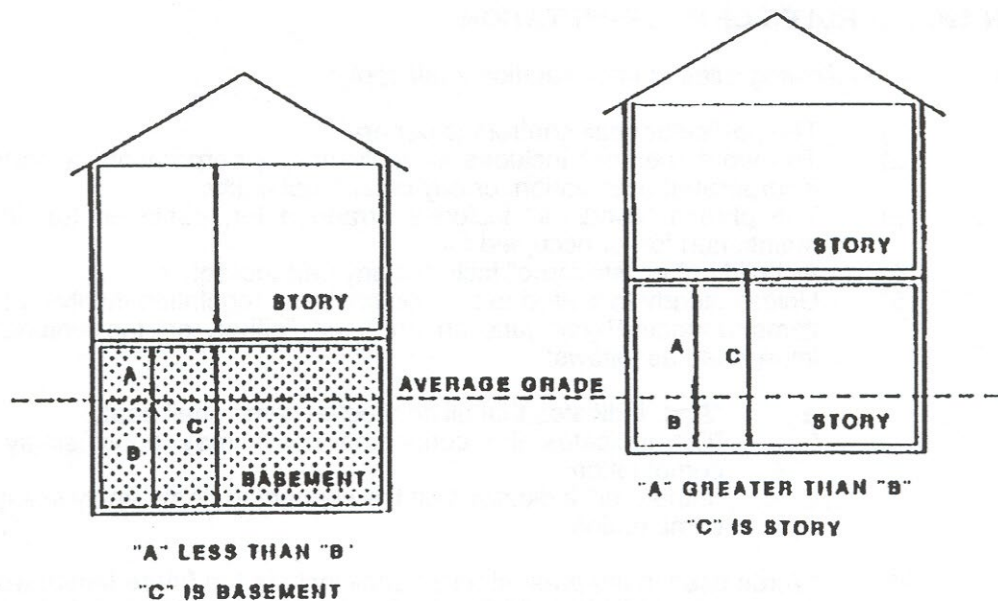
**ACCESSORY USE, BUILDING OR STRUCTURE:**

A use, building or structure which is incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot or parcel as the principal use, building or structure to which it is related.

**BASEMENT: (See Figure 2-1)**

That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the basement floor is greater than the vertical distance from average grade to the ceiling. A basement shall not be counted as a story.

**FIGURE 2 - 1  
BASEMENT AND STORY**

**BED AND BREAKFAST ESTABLISHMENT:**

A use within a single family dwelling unit in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment (See Tourist Homes).

**BERM:**

A mound of earth graded, shaped, and improved with grass, plant materials, and/or ground cover in such a fashion as to be used for visual and/or audible screening.

**BUFFER ZONE:**

A strip of land often required between zoning districts and reserved for plant material, berms, walls or fencing to serve as a visual or sound or privacy barrier.

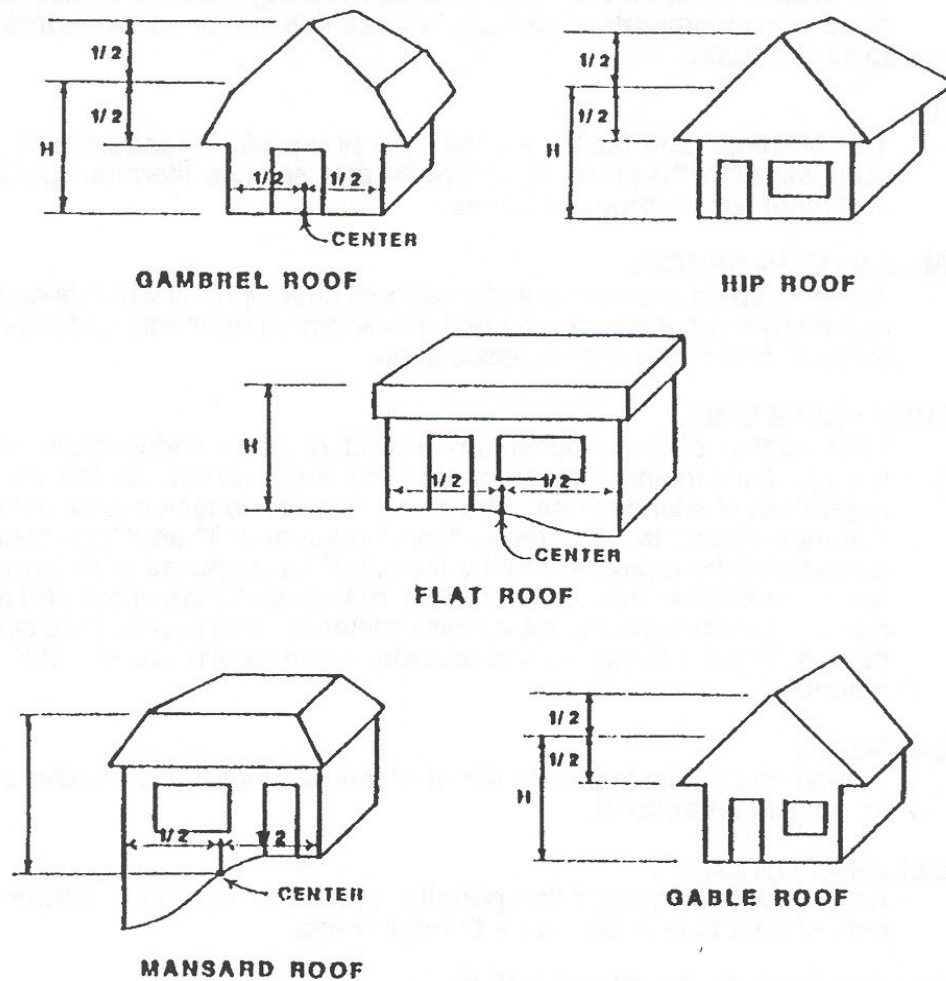
**BUILDING:**

Any structure having a roof supported by walls, columns or other supports, which is used for the purpose of housing, sheltering, or enclosing persons, animals or personal property, or for conducting business activities. A mobile home or manufactured home is a building when constructed and used as and for a dwelling, but a mobile home does not qualify as and shall not be used for an accessory building.

**BUILDING HEIGHT: (See Figure 2-2)**

In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge for gable, hip and gambrel roofs. For measurement of height of accessory buildings, see Section 190.309.

**FIGURE 2 - 2**  
**BUILDING HEIGHTS**



**BUILDING, PRINCIPAL:**

A building in which is conducted the main or principal use on a lot or parcel.

**CARPORT:**

A roofed accessory building or structure providing space for the parking of motor vehicles which is open at the vehicle entry side and has no more than two enclosing walls, screens, lattice or other material. Except for structural supports, the building or structure shall be entirely open on two or more sides. When attached to a principal building, a carport shall be considered to be part of the principal building and subject to all applicable regulations for such principal building.

**CANOPY TREE:**

A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree and which provides shade to adjacent ground areas.

**CHILD CARE CENTER:**

A facility, other than a private residence, receiving six or more children for care for periods of less than 24 hours in any day, and where parents or guardians are not immediately available to the child. Child care center does not include a Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during any 12 month period, or a facility operated by a religious organization where children are cared for not more than three hours while parents or guardians attend religious worship services.

**CLINIC:**

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, and other medical specialists and other medical professionals on an out-patient basis, meaning patients do not remain overnight. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

**CLUB:**

The buildings and facilities used by a non-profit organization of persons for special purposes or for the promotion of sports, arts, science, literature, politics, social activities, and other similar group activities.

**COMMON OPEN SPACE:**

An unoccupied area within a planned unit development which is reserved for the leisure and enjoyment of all planned unit development residents and maintained by common by them or a homeowners association.

**CONDOMINIUM UNIT:**

That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in a master deed, regardless of intended use. The owner of a condominium unit also owns a share of the common elements. The terms “condominium unit” and “site condominium” shall be considered the equivalent to the term “lot” for purposes of determining compliance to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratios. Lot requirements within this Ordinance shall apply to site condominium units as though they are designed and recorded under provisions of Public Act 288 of 1967 as amended.

**CUL-DE-SAC:**

A dead end public or private street which terminates in a circular section which allows for vehicle turnaround.

**DECELERATION LANE:**

An added roadway land that permits vehicles to slow down before turning adjacent to, but not on a lane intended for through traffic.

**DWELLING UNIT, MULTIPLE FAMILY:**

A building designed for three or more dwelling units.

**DWELLING, SINGLE FAMILY:**

A detached building designed for and containing one dwelling unit.

**DWELLING, TWO FAMILY:**

A detached building designed for and containing two dwelling units.

**DWELLING UNIT:**

A building, or enclosed portion thereof, designed for occupancy by one family for residential purpose and having living, eating, sleeping, cooking and sanitary facilities independent of any other dwelling unit. A dwelling unit shall include both factory manufactured units and site built units.

**DWELLING UNIT, ATTACHED:**

A dwelling unit attached to any other dwelling unit by common structural elements.

**DWELLING UNIT, DETACHED:**

A dwelling unit which is not attached to another dwelling unit by any other means.

**ESSENTIAL SERVICES/PUBLIC UTILITIES:**

The erection, construction, alteration, or maintenance of utility systems whether underground, surface or overhead. These systems include storm and sanitary sewer, water, electric, gas, telephone, and cable television facilities and the required accessory uses and structures.

**ESSENTIAL SERVICE BUILDING**

A building maintained and used for the providing of public utility services and governmental services for the protection of public health and safety and the protection of property, including fire stations, police stations or other law enforcement buildings and other governmental service buildings determined by the Planning Commission to be similar in nature and use.

**FAMILY:**

An individual or a group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two other unrelated persons, living together as a single housekeeping unit in a dwelling unit.

**FENCE:**

An accessory structure intended for use as a barrier to property ingress or egress, a screen for privacy from objectionable view of noise, or for decorative purpose.

**FLEA MARKET:**

An enclosed or outdoor retail activity in which one or more persons sell new or used hardgoods, furniture, antiques, novelties or other merchandise.

**FLOOD OR FLOODING:**

A general and temporary condition of partial or complete inundation of normally dry land area from:

- A. Overland flow of inland water, or
- B. The unusual and rapid accumulation of runoff or surface water from any source.

**FLOOD HAZARD AREA:**

Land which, on the basis of available flood plain information, is subject to a 1 percent or greater chance of flooding in any given year.

**FLOOD INSURANCE RATE MAP (FIRM):**

A map of the Village of Ravenna prepared by the Federal Emergency Management Agency, which identifies 100- and 500-year flood plain and other flood related information; and which is used as the official flood plain map for insurance purposes.

**FLOOR AREA, GROSS:**

The sum of all horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area except where they are used for commercial purposes such as the outdoor sale of merchandise.

**FOSTER CARE FACILITY:**

An establishment which provides supervision, assistance, protection and personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or a nursing home licensed under Public Act 139 of 1956, as amended, or a mental hospital licensed under Section 51 and 52 of the Public Act 151 of 1923, as amended.

- A. **Family Home.** A facility which provides foster care for six or fewer persons.
- B. **Group Home.** A facility which provides foster care for seven or more persons.

**GARAGE, COMMERCIAL:**

A garage available to the public, operated for financial gain, and used for storage, repair, rental, servicing, washing, sale, or equipping automobiles and other motor vehicles.

**GARAGE SALE:**

A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

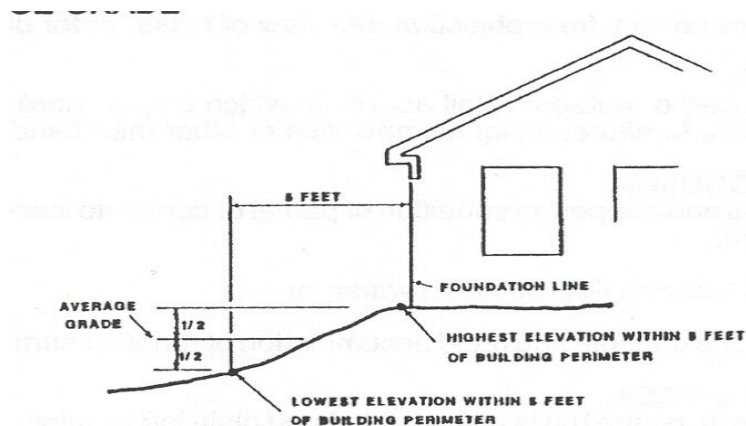
**GRADE, AVERAGE: (SEE FIGURE 2-3)**

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

**GRADE, FINISHED:**

The lowest point of elevation between the exterior wall of the structure and the line five feet from the exterior wall of the structure.

**FIGURE 2 - 3  
AVERAGE GRADE**



**GREENBELT:**

A landscaped area along a street between the curb or road shoulder and the front yard parking setback line.

**GROUP DAY CARE HOME:**

A single family, detached dwelling in which the operator permanently resides as a member of the resident family. A group day care home involves child care for more than four weeks in any calendar year in which six but not more than 12 children are given day care and supervision for periods of less than 12 hours in a day, unattended by parent or guardian, except children related to an adult member of the family by blood, marriage or adoption.

**HOME OCCUPATION:**

An occupation conducted entirely within a dwelling and conducted by the resident family, not involving non-family employees, and which use is clearly incidental to the use of the dwelling for residential purposes.

**LOADING SPACE:**

An off-street space on the same lot or parcel with a building, or group of buildings, for the temporary parking of a vehicle while loading or unloading any merchandise, materials or passengers.

**LOT: (See Figure 2-4)**

A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision having frontage upon a public street right-of-way or an approved private street and having sufficient area to comply with all lot requirements of this Ordinance for lot area, setbacks, lot coverage, and open space.

**LOT, CORNER: (See Figure 2-4)**

Any lot having at least two contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

**LOT, COVERAGE:**

The part or percent of a lot occupied by buildings and structures.

**LOT, DEPTH: (See Figure 2-5)**

The horizontal distance between the front and rear lot lines, measured along an imaginary mid-point line between side lot lines.

**LOT, INTERIOR (See Figure 2-4)**

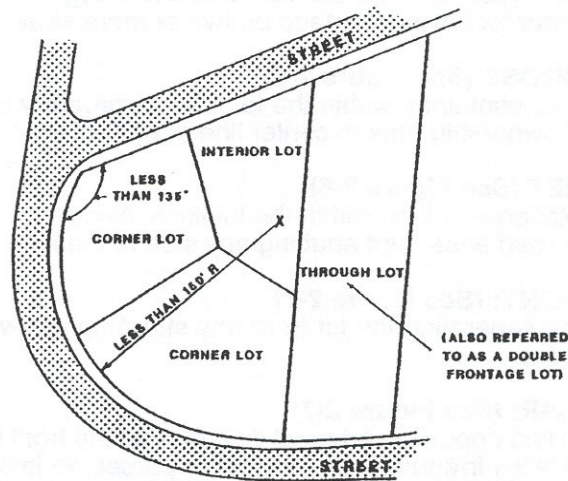
A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a public or private street.



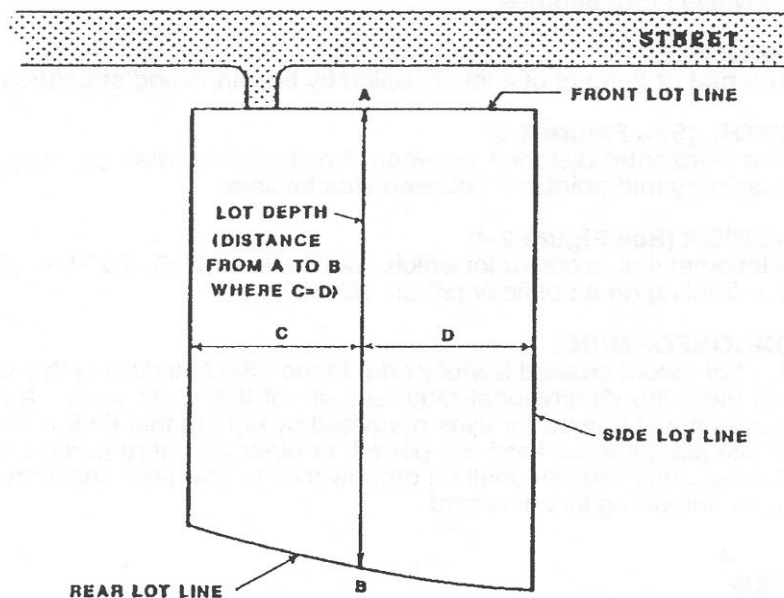
### LOT, NONCONFORMING:

A lot of record created lawfully prior to the effective date of this Ordinance which does not meet the dimensional requirements of this Ordinance. A nonconforming lot of record may be used for uses permitted by right in this Ordinance, subject to approval of site plan, special land use permit, or other permit required by this Ordinance. The Zoning Administrator shall be empowered to grant administrative variances on lawful nonconforming lots of record.

**FIGURE 2 – 4  
LOT TYPES**



**FIGURE 2 - 5  
LOT DEPTH**



**LOT, THROUGH (can also be called double frontage): (See Figure 2-4)**

An interior lot having frontage on two or more streets.

**LOT AREA, GROSS: (See Figure 2-6)**

The area contained within the lot lines or property boundary including street right-of-way, if ownership runs to center line of right-of-way.

**LOT AREA, NET: (See Figure 2-6)**

The total area of land within the lot lines, exclusive of any public street right-of-way or private road easement abutting any side of the lot.

**LOT LINE, FRONT: (See Figure 2-7)**

The line separating the lot from any street right-of-way, private road or other access easement.

**LOT LINE, REAR: (See Figure 2-7)**

The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at maximum distance from the front lot line.

**LOT LINE, SIDE: (See Figure 2-7)**

Any lot line other than the front or rear lot line.

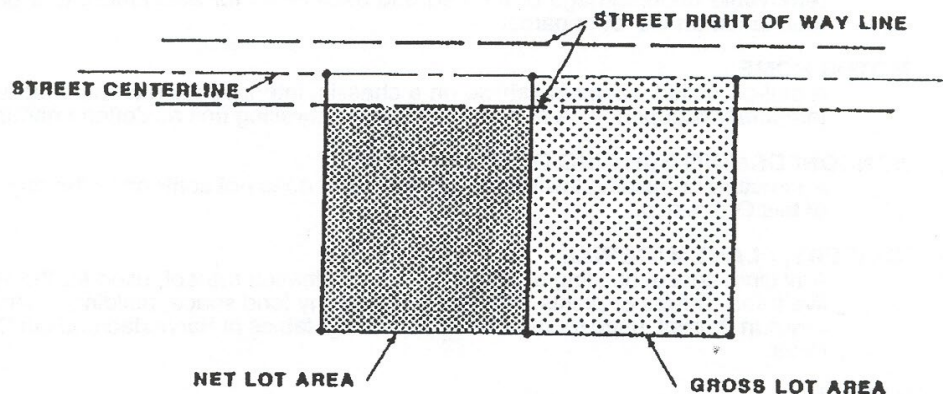
**LOT OF RECORD:**

A tract of land which is part of a subdivision plat or condominium subdivision, or a tract described by metes and bounds description which is the subject of a deed, recorded plat or condominium subdivision, or a land contract which is likewise recorded in the Office of the Register of Deeds of Muskegon County.

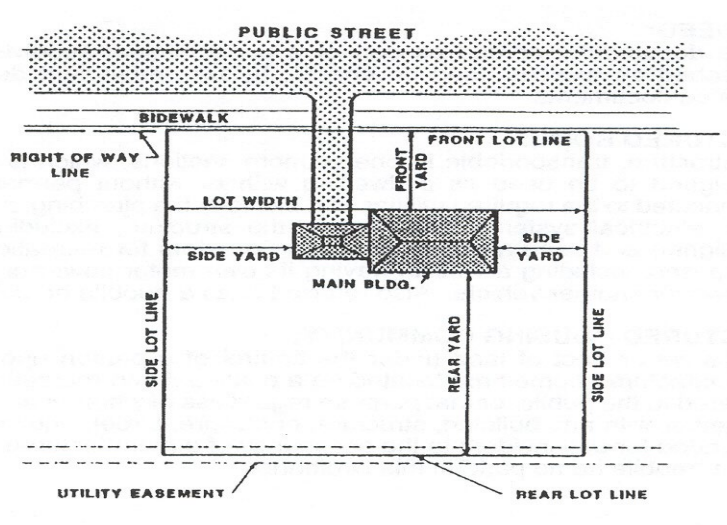
**LOT WIDTH: (See Figure 2-7)**

The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

**FIGURE 2 - 6  
NET AND GROSS LOT AREA**



**FIGURE 2 - 7**  
**LOT LINES AND YARDS**



**MACHINE SHOP:**

A workshop where power tools are used for making, finishing or repairing machines, or work is machined to size.

**MASTER DEED:**

The document recorded as part of a condominium subdivision plan to which are attached as exhibits deed covenants, bylaws, easement descriptions, survey and related documents.

**MANUFACTURED 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, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a “mobile home” in this Ordinance.

**MANUFACTURED HOUSING COMMUNITY:**

A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Also referred to as a “mobile home park” in this Ordinance.

**MEDICAL MARIHUANA FACILITY:**

A medical marihuana facility is a grower, processor, secure transporter, provisioning center or safety compliance facility, as defined under the Medical Marihuana Facilities Licensing Act, being Act 281 of the Public Acts of 2016.

**MODULAR HOME:**

A dwelling which consists of pre-fabricated sections transported to the site on a removable undercarriage or flat bed and assembled for attachment to a permanent foundation on the lot or parcel.

**MOTOR HOME:**

A self-propelled, licensed vehicle on a chassis, intended for recreation activities and temporary occupancy. A motor home is not a dwelling unit as defined herein.

**NONCONFORMING BUILDING OR STRUCTURE:**

A structure or building lawfully constructed that does not conform to the requirements of this Ordinance.

**NURSERY, PLANT MATERIAL:**

Any land, space, building or structure, or combination thereof, used for the storage of live trees, shrubs or plants, but not including any land space, building or structure, or any part thereof, used for the sale of fruits, vegetables or harvested and cut Christmas trees.

**PARCEL:**

A lot described by metes and bounds description, whether or not included in a recorded plat or condominium subdivision.

**PLANNED UNIT DEVELOPMENT (PUD):**

A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in the siting of building(s), usable open space, accessory facilities and the preservation of significant natural features present on a site.

**PRINCIPAL USE:**

The main use to which a lot or parcel is devoted.

**PRIVATE ROAD:**

Any road used or intended for vehicular traffic which is privately owned and maintained and which provides the means of access to two or more lots or parcels, said roadway meeting all requirements of this Ordinance. No part of any private road easement shall be considered when determining compliance with required setback, lot area or other dimensional requirement of this Ordinance.

**PUBLIC STREET:**

Any right-of-way by easement or ownership and operated by a unit of government. No part of any such right-of-way shall be considered when determining compliance with required setback, lot area or other dimensional requirement of this Ordinance.

**RECREATIONAL VEHICLE OR UNIT:**

A vehicular or portable structure designed as temporary living quarters for recreation, camping or travel, which either has its own source of power or is mounted on or drawn by a vehicle which is self-powered. Recreational units shall include, but not be limited to, the following; travel trailers, camping trailers, tent trailers, motor homes, pickup truck campers and “fifth wheel” campers. Recreational units shall also include, but not be limited to, the following: boats, boat trailers, snowmobiles, snowmobile trailers, dune buggies, horse trailers, and similar equipment.

**SERVICE DRIVE:**

A drive which generally parallels the public right-of-way but runs along the back of a land use or building which fronts the public street. A service drive may provide access to properties on both sides, and vary in width and design.

**SETBACK:**

The minimum required unoccupied distance between front, side, or rear lot line and the principal and accessory buildings, on any lot or parcel as required in this Ordinance.

**SIGN:**

Any device, lettering, picture or structure designed to attract the attention of persons beyond the lot lines of the lot or parcel on which the sign is located. All signs shall be considered as accessory structures.

- A. **Outdoor Advertising Sign.** Any sign situated on privately owned land on which pictorial or written information appears which is not related to the principal use occurring on said land.
- B. **Free-Standing Identification Sign.** A sign designed to identify the name of a business and the business activity of the principal use occurring on the same lot or parcel.
- C. **Unregulated Signs.**
  - (1) Signs one square foot in area or less bearing only street address, post box numbers, name of resident or other sign not having commercial purpose.
  - (2) Flags and insignias of any government, except in connection with a commercial land use.

- (3) Integrated architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (4) Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- (5) Signs on publicly owned land or rights-of-way directing and guiding traffic and parking to private property which bear no advertising pictorials or letters.

**SITE CONDOMINIUM SUBDIVISION:**

A division of land intended for ownership as a condominium unit under provisions of Public Act 59 of 1978, which is not subject to the provisions of Public Act 288 of 1967, the Subdivision Control Act.

**STORM WATER DETENTION FACILITY:**

A storm water holding facility intended to hold and release storm water into a drainage course over a short period of time.

**STORY: (See Figure 2-1)**

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

**STRUCTURE:**

Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground, except utility posts, utility manholes, and sewage lift stations.

**SUBSTANTIAL IMPROVEMENT:**

Any repair, reconstruction or improvement of a structure located within the 100-year flood plain, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration or any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects to external dimensions of the structure. This term does not include (1) any improvement of a structure to comply with existing state or local building, health, sanitary or safety code specifications which are necessary to assure safe occupancy of the structure or, (2) any alteration of a structure listed on the National or Michigan Register of Historic Places or in a local Historic District established under Michigan Law.

**VARIANCE; DIMENSIONAL:**

A relaxation or modification of the dimensional requirements of this Ordinance based on site specific practical difficulty as authorized by the Village of Ravenna Zoning Board of Appeals.

**VARIANCE; USE:**

A use allowed by the Village of Ravenna Zoning Board of Appeals in any zoning district which is not otherwise permitted upon showing of an unnecessary hardship.

**YARD: (See Figure 2-7)**

The open space on the same lot or parcel; with a principal building, unoccupied and unobstructed from the ground, except as otherwise provided in this Ordinance.

A. **Front Yard.** An open space extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of a building foundation. There shall be maintained a front yard on each street side of a corner lot.

B. **Side Yard.** An open space extending the full length of the lot or parcel, the depth of which is the minimum horizontal distance from each side lot line to the nearest point of a building foundation.

C. **Rear Yard.** An open space extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the principal building. In the case of corner lots, there shall be only one rear yard which shall be determined by the Zoning Administrator using maximum lot depth as the sole criteria.

**SECTIONS 190.203 - 190.299 (RESERVED)**





## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION 190.300 STREET ACCESS

Every lot or parcel of record created after the effective date of this Ordinance shall not be occupied or buildings constructed thereon without frontage on a public street equal to or greater than the minimum lot width required by this Ordinance.

#### SECTION 190.301 SANITARY SEWER SERVICE

No structure for human occupancy shall be erected, altered, or moved upon any lot or parcel and used in whole or part for a dwelling, business, industrial or recreational purpose unless served with sanitary sewer collection and treatment provided by the Village of Ravenna. The Village shall not be required to pay costs associated with extension of sanitary sewer lines to provide service.

#### SECTION 190.302 FLOOD PLAIN REGULATIONS

- A. **Purpose.** These regulations apply specific controls on the use of land and placement of structures in those areas of the Village which are subject to periodic inundation. While permitting reasonable use of such lands, these regulations will help protect public health and safety and minimize public and private economic loss caused by periodic flooding, as well as preserving the ability of flood plains to carry and discharge a base flood.
- B. **Applicability.** All land and land uses within the designated flood hazard area shall be subject to terms specified herein and the provisions of the National Flood Insurance Program constituted in accordance with the National Flood Insurance Act of 1968, as amended, and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the *Federal Register*, Vd. 41,207, October 26, 1976, as amended.
- C. **Flood Plain Delineation.** The boundaries of the flood hazard area within the Village shall be as determined by the report entitled *The Flood Insurance Study*, by the Federal Emergency Management Agency, with accompanying Rate Maps, Flood Boundary Maps and Floodway Maps. Within the flood hazard area, a regulatory floodway shall coincide with the floodway boundaries indicated on the Flood Boundary and Floodway Map which are also the boundaries of the "FP" Flood Plain District shown on the Official Zoning District Map.

Where disputes arise as to the exact boundary of the 100-year flood plain, a property owner may employ a professional engineer to resolve the boundary location. In all cases, the engineer's determination shall modify the boundary of the 100-year Flood Plain studies of the Federal Insurance Administration and the Floor Plain District.

D. **Site Development Requirements for Flood Plain Areas.** All lands, buildings, structures and uses within the flood hazard area shall be subject to the following site development requirements;

- (1) No building or structure shall be constructed, placed, or substantially improved so as to extend its use within the flood hazard area.
- (2) Filling within the flood hazard area with any material in any manner is prohibited unless such action is approved by the Michigan Department of Natural Resources.
- (3) Uses which, by their construction, operation, or occupation of a physical structure impede the ability of the flood plain to carry and discharge a base flood shall be prohibited. The operator of the proposed use shall submit to the Zoning Administrator a registered engineer's statement that the flood carrying capacity will be maintained or a copy of the flood plain modification permit issued by the Michigan Department of Natural Resources.
- (4) In any zoning district, the 100-year flood plain area shall not be included in determination of Net Lot Area for the purposes of computing residential density and floor area ratio.

E. **100-Year Flood Plain Application Information.** In addition to the information required for a special land use, variance, certificate of zoning compliance or any other application for development permission under terms of this Ordinance, the following information shall be submitted prior to commencing any type of use or development within the 100-year flood plain:

- (1) A description of the extent any watercourse will be altered or relocated as a result of proposed development. Where such watercourse is not subject to state and federal regulations intended to insure flood carrying capacity, the applicant shall provide a registered engineer's determination that the flood carrying capacity will be maintained.
- (2) Proof of development approval from the appropriate local, state and/or federal agencies or a letter certifying a lack of authority from the Michigan Department of Natural Resources.
- (3) Base flood elevation data for any site development subject to Public Act 167 of 1967 (Subdivision Control Act), as amended, or Public Act 59 of 1978 (Condominium Act) or any site greater than two acres in gross site area.
- (4) Additional information the Zoning Administrator, Engineer or Planner deem necessary to determine compliance with provisions of this Ordinance.

F. **Variance from Flood Plain Regulations.** Variance from provisions of Section 20.023, Flood Plain Regulations, may be granted by the Zoning Board of Appeals. A variance shall not be granted within the 100-year flood plain where the result would be an increase in flood levels during a base flood discharge. Any variance granted shall be the minimum necessary, considering potential flood hazard, to afford relief to the applicant. In granting any variance from provisions of this section, the Board of Appeals shall require that the following flood hazard reduction standards be met;

- (1) All new construction of, or substantial improvement to, any structure or building shall be:
  - (a) Designed and anchored to prevent flotation, collapse, or lateral movement of the structure.
  - (b) Constructed with waterproof materials and utility equipment (electric, heating, ventilation, plumbing, air conditioning, etc.).
  - (c) Constructed with methods and practices that minimize flood damage.
  - (d) Have the lowest floor elevation above the 100-year flood plain elevation.
  - (e) Have any enclosed area below the lowest story ventilated with at least two openings within one foot of grade.
- (2) All new or replacement water supply systems shall be designed and constructed to prevent infiltration of flood waters into the system.
- (3) All new or replacement sanitary sewage systems shall be designed and constructed to prevent infiltration of flood waters into the system and discharge from such systems into flood waters.
- (4) Adequate drainage shall be provided to reduce exposure to flood.
- (5) The applicant shall provide appropriate site, building, and engineering plans and data to demonstrate compliance with the standards contained in this section.

G. **Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study, though it is generally recognized that larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams, bridge openings restricted by debris or dam failure. Approval of any use of land or building under this section shall not be considered a guarantee or warranty of complete protection from flood

damage. Moreover, this Ordinance does not imply or warrant that areas outside the 100-year flood plain will be free from flooding.

H. **Duties of the Zoning Administrator.** With regard to the National Flood Insurance Program and the regulations contained in this section, the Zoning Administrator shall:

- (1) Provide notification to the Department of Natural Resources and adjacent municipalities of the proposed relocation or alteration of any watercourse, with a copy of such notice to the Federal Insurance Administration.
- (2) Maintain all maps and records pertaining to the National Flood Insurance Program, open for public inspection.
- (3) Obtain from any applicant information required by this section and verify such information as in compliance with this section prior to issuing a certificate of zoning compliance.

#### **SECTION 190.303 DWELLINGS PER LOT OR PARCEL**

A lot or parcel shall contain no more than one single family dwelling in any zoning district in which single family dwellings are a permitted use.

#### **SECTION 190.303A REQUIRED AREA OR SPACE**

- A. No lot and no adjacent lots in common ownership shall be created, divided, or reduced in dimension or area below the minimum dimensional and area requirements specified in this Ordinance for the zoned district in which the lot or lots are located; provided, however, that a lot or adjacent lots in common ownership may nevertheless be conveyed in part to the owner of an adjacent lot or lots, if the lot(s) or portion of a lot remaining vested in the grantor is at least 60 percent as wide and is at least 60 percent as large in area as the lot or lots prior to the conveyance and, provided further, that the remaining lot or lots shall not qualify as a parcel of land for new building improvement and, with respect to such remaining lot or lots, the provisions of Chapter 21, pertaining to nonconforming uses and buildings, shall apply.
- B. If a lot or adjacent lots in common ownership have dimensions or area less than the minimum requirements of this Ordinance, such lot or adjacent lots in common ownership shall not be divided or reduced in dimension or area so as to increase their noncompliance with the minimum requirements of this Ordinance; provided, however, that a lot or adjacent lots in common ownership that do not comply with the minimum dimensional and area requirements specified for the zone district in which they are located may nevertheless be conveyed in part to the owner of an adjacent lot or lots, if the lot(s) or portion of a lot remaining vested in the grantor is at least 60 percent as wide and is at least 60 percent as large in area as the lot or lots before the conveyance and, provided further, that such remaining lot or lots shall not qualify as a parcel of land for new building improvement and, with

respect to such remaining lot or lots, the provisions of Chapter 21, pertaining to nonconforming uses and buildings, shall apply.

- C. Except as provided in subsections A and B of this section, lots or other parcels of land created or divided after the effective date of this Ordinance shall comply with the minimum dimensional and area requirements of the zone district in which such lots or parcels are located.
- D. If two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or an amendment thereto, are:
  - (1) In common ownership;
  - (2) Adjacent to each other or have continuous frontage, and;
  - (3) Individually do not meet the lot width and lot area requirements of this ordinance.

The lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Such parcels shall be combined into such lot or lots meeting the lot width and lot size requirements of this ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this ordinance.

#### **SECTION 190.304 PERMITTED FRONT SETBACK REDUCTIONS**

Where the front setback for existing buildings is less than the required minimum front setback contained in Schedules A and B of Chapter 15 herein, the minimum front setback for a proposed building shall be the average actual front setback of existing buildings as determined by the Zoning Administrator on the same side of a street, on the same block face or within 200 feet of the side yard property lines of the proposed building. In no case shall the front setback be less than 75 percent of the required front setback.

#### **SECTION 190.305 PERMITTED YARD ENCROACHMENTS**

- A. Architectural features such as cornices, eaves, gutters, chimneys, pilasters and the like may project three feet into the required front setback, five feet into required rear yard, and two feet into required side yard setback area.
- B. An unenclosed porch, balcony, awning, or deck of a lawfully conforming dwelling may extend into a required rear yard for a distance not to exceed 15 feet; into a required front setback for a distance not to exceed six feet; and into a required side yard for a distance not to exceed three feet, but in no case shall a porch, balcony, awning, or deck be constructed closer than five feet to any lot line.

- C. Fire escapes and outside stairways, if unenclosed, may not project into any required setback area.

### **SECTION 190.306 PERMITTED HEIGHT EXCEPTIONS**

The following types of structural appurtenances shall be permitted to exceed the maximum height limitations of this Ordinance:

- A. Purely ornamental appurtenances such as church spires, belfries, cupolas, domes, towers, flag poles and monuments.
- B. Appurtenances such as mechanical or structural functions such as, chimneys, smoke stacks, water tanks, elevator and stairwell penthouses, solar collectors, wind generators, windmills, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, cooling towers, grain elevators and silos. Satellite dishes shall conform to requirements of Section 190.310.
- C. Architectural features incorporated in the building design may extend a maximum of five feet above the maximum building height permitted, so long as that portion above the maximum permitted height has no window openings.

### **SECTION 190.307 CUL-DE-SAC LOTS**

- A. A lot shall be considered a cul-de-sac lot only if more than one-half of its frontage is on the cul-de-sac. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac and the parallel street right-of-way lines.
- B. A cul-de-sac lot shall have not less than 70 percent of the required minimum frontage on the radius of the cul-de-sac and 100 percent of the required frontage at the required front setback line.

### **SECTION 190.308 CORNER LOTS**

A corner lot shall have two front lot lines; a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines. Where the front lot lines are equal in length, the Zoning Administrator shall determine the principal front lot line.

#### **A. Requirements for Corner Lots.**

- (1) The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
- (2) The minimum lot width and frontage requirements for corner lots contained in Schedules A and B of Chapter 15 herein shall apply to the two lot lines adjacent to both streets.

- (3) The front of the principal building on a corner lot shall not be oriented such that it is parallel with the secondary front lot line.
- (4) The width of a corner lot shall be determined as the entire length of principal front lot line.

#### **SECTION 190.309 ACCESSORY BUILDINGS, STRUCTURES AND USES**

- A. Maximum size, maximum height and minimum setback standards for accessory buildings and structures are listed in Schedule D of Chapter 15 herein.
- B. In all districts, except industrial, accessory buildings and structures shall not be erected on any lot or parcel prior to the establishment of a principal building.
- C. Where two or more abutting lots are held under one ownership, the owner may erect an accessory building on a separate lot from that lot on which the principal building is located; provided, however, the lot containing the accessory building shall not be divided or split from the lot on which the principal building is located.
- D. For the purposes of this Ordinance, the height of any accessory building or structure shall be determined as the distance between the highest point of the roof and average grade.
- E. Buildings and structures which are accessory to residential dwellings in the R-1, R-2 and R-3 Zoning Districts may occupy the required rear setback area provided they do not occupy more than 30 percent of the required rear yard area.
- F. Accessory buildings and structures shall not occupy any portion of a required buffer strip area.
- G. Accessory buildings or structures which are portable in nature shall comply with the regulations herein, including the minimum setback required for principal buildings specified in Schedules A, B, and C for the zoning district in which they are located.
- H. Accessory buildings and structures which do not fit into any of the categories specified in Schedule D of Chapter 15 herein shall meet the minimum setback requirements for principal buildings specified in Schedules A, B and C of Chapter 15 for the zoning district in which they are located.
- I. An accessory building shall have a roof supported by walls, columns or other supports. It shall consist of new construction or other type of construction in compliance with the Village Building Code. A mobile home, travel trailer, recreational vehicle or other vehicle, tank or other non-building object shall not qualify as nor be used for an accessory building. No junk, discarded or waste material or salvaged material shall be used as or for an accessory building, in whole or in part.

- J. A semi-trailer, a temporary tool shed or other temporary storage building shall not qualify or be used as or for an accessory building, except that a semi-trailer, temporary tool shed or similar temporary storage building may be used for the temporary storage of construction materials and equipment solely in connection with the construction or renovation of a building, but in any event, such temporary use shall continue for not longer than one year.
- K. An accessory building shall be located at least ten feet away from any point on any other building located on the property where the accessory building is located.
- L. A home office in a dwelling or dwelling unit in the R-1, R-2, R-3 and R-4 Districts shall be a permitted residential accessory use if all of the following conditions are satisfied:
  - (1) The home office shall not change the character or outside appearance of the dwelling, nor result in any nuisance.
  - (2) The home office shall be used only by the residents of the dwelling.
  - (3) No sign for the home office shall be permitted.
  - (4) No inventory shall be maintained, nor shall any sales be made nor other business be conducted on the premises.
  - (5) The home office shall not involve or cause any construction or building alterations that are not customary for residential use.
  - (6) No motor vehicle traffic shall be generated by the home office, except for infrequent delivery of office supplies or for repair services for office equipment.
- M. **Carports.**
  - (1) Carports attached to a principal building shall comply with the regulations for principal buildings, including the setbacks and other requirements specified in Schedules A, B and C of Chapter 15 for the zoning district in which they are located.
  - (2) Carports which are not attached to a principal building shall comply with the regulations herein for accessory buildings and structures and those regulations specified in Schedule D of Chapter 15, including the minimum setback requirements in Schedule D.
  - (3) A carport shall not be used for habitable rooms for humans or domestic animals nor shall it be used for the storage of hazardous materials.



- (4) A manufactured portable accessory building customarily used as a carport or a polyethylene enclosed building may be used as a carport even though such a portable building may be fully enclosed if such building meets the following requirements:
  - (a) The building shall not exceed 12 feet in height and shall not provide more than 280 square feet of floor area.
  - (b) The building shall be assembled to comply with the manufacturers instructions.
  - (c) The building shall be easily moved without disassembly, after removal of tie-downs or anchors.
- (5) A carport shall be anchored to the earth on a concrete slab no less than four inches thick which extends no less than 12 inches beyond the perimeter of the building in each direction. Further, the exterior 16 inches of the concrete slab shall have a depth no less than 12 inches.

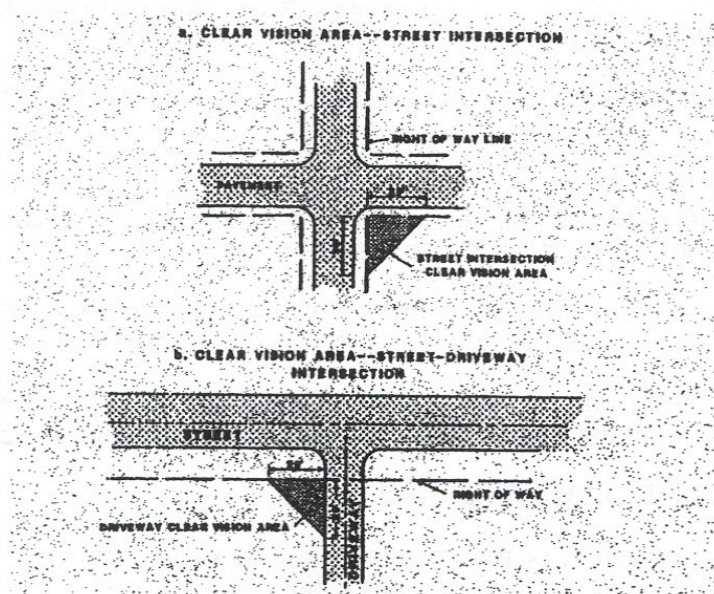
#### **SECTION 190.310 ANTENNAS AND TOWERS**

Freestanding radio, television or microwave antennas or towers are permitted in all zoning districts provided the following provisions are satisfied:

- A. The antenna shall be permanently secured to a stable foundation.
- B. No portion of the antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.
- C. No freestanding antenna shall exceed a height of 50 feet above grade, or have any dimension exceeding 50 feet, including its mounting structure, except that freestanding antennas or towers exceeding such height or other dimension may be permitted by the Planning Commission as a special land use under Chapter 16.
- D. An antenna or tower shall be located only in the rear yard or the side yard.
- E. An antenna may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of ten feet, as measured from its foundation.
- F. All antennas must be grounded to protect against damage from lightning.
- G. An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
- H. Antennas and towers for commercial communications services, including cellular telephone antennas and towers, shall be approved only as special land uses under the terms of Chapter 16.

- I. Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antenna may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such special land use for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Village's legitimate purposes in regulating such amateur radio antennas.

**FIGURE 3 – 1  
CLEAR VISION AREAS**



## **SECTION 190.311 FENCES, WALLS AND SCREENS**

### **A. Minimum Requirements.**

- (1) No fence, wall or screen of any material other than plant material shall have a height greater than eight feet in any zoning district, except that this provision shall not apply to the I Industrial District; provided, however, that any fence, wall or screen located between the street right-of-way line

and the front line of the principal building in the R-1, R-2, R-3 and R-4 zones shall not exceed a height of four feet.

- (2) Fences in any residential district or enclosing any residential use shall not consist, in whole or in part, of barbed wire or single strand wire, nor shall they be electrified, except that barbed wire, single strand wire or electrified fences may be used if necessary in the operation of any bona fide, lawful farm. If both sides of a fence are not identical, in cases where the fence is located in a residential district or encloses any residential use, the finished side of the fence shall face the adjoining properties.
- (3) Fences in any non-residential district which enclose storage lots or other areas requiring security may include barbed wire, but the barbed wire portion of the fence shall not be nearer than six feet above the surface of the ground.

**B. Clear Vision Areas: (See Figure 3-1).**

- (1) No fence, wall, plant material, or growing crop shall be erected or maintained in such a manner as to obstruct vision between a height of three feet and ten feet within a triangular area formed by the intersection of street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 30 feet from the point of intersection of right-of-way lines.
- (2) No fence, wall or screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three and ten feet within a triangular area formed by the intersection of a street right-of-way or edge of a private road easement and a driveway and a line connecting two points which are located on the right-of-way or edge of private road easement and the driveway 20 feet from the point of intersection.

**SECTION 190.312 TEMPORARY BUILDINGS**

Temporary buildings and structures may be placed on a lot or parcel of record and occupied only under the following conditions:

- A. During renovation of a principal building damaged by fire. The temporary building or structure shall be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than 180 days in total.
- B. Temporary buildings and structures, including trailers, incidental to construction and land development work, except single family and two-family dwelling construction. Said temporary building and structures shall be removed from the lot or parcel within 15 days of completion of construction.

- C. A temporary land use permit agreement shall be completed and filed with the Zoning Administrator prior to placement of any temporary building or structure within the Village.

### **SECTION 190.313 ESSENTIAL PUBLIC SERVICES**

- A. The owner or operator of any public utility or municipal utility or telecommunications and radio transmitter which does not, at the effective date of this Ordinance, provide service for a fee to customers within the Village, shall first obtain a special land use from the Planning Commission in accordance with Chapter 16.
- B. The erection, construction, enlargement or alteration of essential services buildings and structures having an enclosed floor area of 100 square feet or more or which occupy more than 1,000 square feet of land, shall require a special land use be obtained from the Planning Commission prior to start of such activity.

### **SECTION 190.314 KEEPING OF ANIMALS**

#### **A. Domestic Household Pets.**

- (1) The keeping of animals commonly regarded as domestic household pets, including dogs, cats, aquarium fish, caged or tethered birds, hamsters, gerbils, rabbits and other similar domestic household pets, is permitted as an accessory use within a dwelling in any zoning district where the dwelling is permitted as a principal use.
- (2) The keeping of domestic cats and dogs shall be in compliance with all requirements of Village Ordinance No. 91, the Animal Control Ordinance.

#### **B. Wild Animals.**

- (1) The keeping of wild animals is prohibited in all zoning districts in the Village.
- (2) Notwithstanding the foregoing, wild animals that are part of a temporary circus, zoo or similar use may be kept in any non-residential zoning district in the Village if permitted by the Village Council as an exception pursuant to Village Ordinance No. 91, the Animal Control Ordinance.

#### **C. Livestock.**

- (1) The keeping of poultry, fowl, pigs, hogs, horses, cattle or any other type of livestock is prohibited in all zoning districts in the Village, except for lawful, periodic livestock sales and auctions, duly licensed and of short duration.

- (2) Notwithstanding the foregoing, livestock may be kept on a farm in any zoning district in the Village if permitted by the Village Council pursuant to Village Ordinance No. 14, the Animals and Fowl Ordinance. Livestock that is part of a temporary circus, zoo or similar use may be kept in any non-residential district in the Village if permitted by the Village Council as an exception pursuant to Village Ordinance No. 91, the Animal Control Ordinance.

D. **Keeping of Chickens.** Notwithstanding the provisions of Section 190.314.3.C(1), the keeping of chickens shall be permitted within the R-1 and R-2 Residential Districts if kept in compliance with the following requirements:

- (1) A permit from the Village is obtained. The Village Council may, by resolution, change or revise the fee for such permit, which shall initially be set at \$50 for a one-time permit. The permit shall be non-transferable and site specific. The permit shall be issued to the property owner. The Village Clerk shall issue the permit, but only after the Village Clerk, Village Zoning Administrator or other Village official has inspected and approved the premises and the chicken enclosure so as to ensure that the facility is sufficient for the proposed keeping of chickens. The Village Clerk shall maintain a record of the permit in the Village offices.
- (2) The residence where the chickens will be kept is a single-family detached structure.
- (3) No more than six (6) hen chickens may be kept at any time.
- (4) Roosters and crowing chickens shall be prohibited.
- (5) Slaughtering of chickens at the property shall be prohibited.
- (6) Chickens shall be provided and kept within an enclosure that includes both a coop and connected fenced run at all times. The total size of the enclosure shall meet all Village ordinances pertaining to accessory buildings. The enclosure shall not be constructed of tarps, plastic, fabric, rubber, paper, cardboard or other non-traditional building materials.
- (7) Chickens shall be kept in the rear yard and setback a minimum of ten (10) feet from any side or rear lot line and 40 feet from any residential structure on adjacent property.
- (8) The enclosure shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored.
- (9) Appropriate feeder containers shall be used for all feeding and watering. All feed and other items associated with the keeping of chickens shall be secured and protected in sealed metal containers to prevent access by rats, mice or other rodents or vermin.

- (10) Sanitary conditions shall be maintained. Any person keeping hens shall keep or cause to be kept all manure, or offal therefrom, deposited or accumulated from such animals securely and closely confined to or buried upon their premises and in such a manner as will prevent it from being scattered from such place or deposited into or upon any street, sidewalk, alley, gutter, storm drain, ditch, lake, wetland, or waterway, and such person shall so cover and care for the animal manure, offal and waste as to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise therefrom, except that persons shall be permitted to use chicken manure as compost on their property provided that such composting is done in a manner that does not create an offensive or malodorous condition.
- (11) Any person keeping hens shall remain subject to public nuisance and other associated codes and ordinances, including, but not limited to, noise, odor and blight.
- (12) Chickens shall be kept in compliance with the Michigan Department of Agriculture & Rural Development Generally Accepted Agriculture and Management Practices for the Care of Farm Animals, as it related to laying chickens, as amended except as otherwise provided in this section.
- (13) It shall be a violation of this ordinance to have chickens outside of the required enclosure.
- (14) In addition to the municipal civil infraction fines provided in Section 190.2305 of this ordinance, if notice has been served upon the applicant to remove one or more chickens, the Village may assess a fine of Five Dollars (\$5.00) per bird per day for each chicken that has not been removed. A fine of Five Dollars (\$5.00) per bird per day may also be assessed for each chicken that is outside of the enclosure. These fines are separate from the zoning ordinance enforcement penalties normally in effect. In addition, any chicken outside of an enclosure in the Village may be captured and/or dispatched at the discretion of the Village.

#### **SECTION 190.315 REPAIR OF MOTOR VEHICLES**

All repair, maintenance and mechanical work, including painting and exterior body work, on motor vehicles not owned by the occupant or owner of real property on which such work is conducted, is prohibited in any residential zoning district. Inoperable vehicles and vehicle parts shall not be stored outdoors in any zoning district.

#### **SECTION 190.316 ADULT-RELATED BUSINESSES**

The intent of this section is to regulate the location, but not exclude, adult related businesses by preventing the concentration of these uses. These regulations are enacted with Village acknowledgment that there are some uses which, by their nature, have serious objectionable operating characteristics, particularly when two or more such uses

are abutting, adjacent, or are in close proximity to one another, upon adjacent residential or commercial areas. The Village recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of a surrounding neighborhood.

A. **Definitions.** For purposes of this Ordinance, the words and phrases following have meanings assigned to them herein:

- (1) **Adult Related Business.** Any activity described in any of the remaining paragraphs of this subsection and any other business having any employee or entertainer (in person or by motion picture, television, hologram or other type of image) displaying any anatomical area or engaging in any “specified sexual activity” as defined herein.
- (2) **Adult Book Store.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or establishment with floor area devoted to sale or display of such material.
- (3) **Adult Motion Picture Theater.** An enclosed building with a capacity of 20 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified anatomical areas,” as defined herein, for observation by patrons therein.
- (4) **Adult Mini-Motion Picture Theater.** Any portion of an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons therein. This use shall also include area within any building wherein small, private enclosures or booths are built for observation or discussion of “specified sexual activities” or “specified anatomical areas.”
- (5) **Adult Outdoor Motion Picture Theater.** An outdoor commercial facility used for motion pictures or other shows which present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- (6) **Specified Sexual Activities are as Follows:**
  - (a) Human genitals in a state of sexual stimulation or arousal.
  - (b) Act of human or animal masturbation, sexual intercourse, homosexual or heterosexual contact, or sodomy.

- (c) Fondling of or erotic touching of human genitals, pubic region, buttock or female breast.
- (d) Bestiality.
- (e) Fellatio or cunnilingus.
- (f) Human excretory functions.
- (g) Sadomasochistic abuse.

(7) **Specified Anatomical Areas are as Follows:**

- (a) Less than completely and opaquely covered human genital, pubic buttock, female breast below a point immediately above the areola.
- (b) Human male genitals or human male genitals in a discernably turgid state, even if completely and opaquely covered.

- B. **Site Location Standards.** No adult related business shall be established on any lot or parcel or within an enclosed building where there exists an adult related business within 500 feet, measured straight-line between the nearest property lines.

The lot or parcel on which an adult related business is located shall be at least 500 feet from a residential zoning district, church, or public or private school, as measured straight-line between the nearest property lines.

- C. **Site Development Standards.** Adult related businesses, as defined and listed in Section 190.316.A(1-5), shall comply with the following regulations:

- (1) Adult related businesses shall not be located in buildings in which dwelling units are located.
- (2) Activities conducted within buildings housing adult related businesses shall be shielded in such a manner that no person outside of the lot or parcel on which the adult related business is located shall see activities.
- (3) An adult related business shall not be located within 25 feet of any sidewalk or pedestrian way regularly used by minor children.

## **SECTION 190.317 ILLEGAL DWELLINGS**

The use of any portion of a basement of a partially completed building, garage or accessory building or structure for dwelling or sleeping purposes is prohibited in every zoning district.



## **SECTION 190.318 SEPTAGE WASTE SERVICES**

All septage waste services performed within the Village shall comply with provisions of Public Act 181 of 1986, as amended, said Act commonly referred to as the Septage Waste Services Act, and all rules and regulations promulgated thereunder, excluding industrial liquid wastes regulated under Public Act 136 of 1969, as amended.

## **SECTION 190.319 LOT SPLIT PROVISIONS**

Whenever a lot of record within the Village is intended to be divided to create two or more lots, the owner or owner's agent shall provide to the Zoning Administrator a drawing and legal description of the existing lot and the proposed lots. In addition, an application for lot split shall be prepared and signed on a form provided by the Zoning Administrator.

Each proposed lot or parcel resulting from the proposed lot split shall conform to all site development standards for the zoning district in which they are located.

The Zoning Administrator shall review the application and determine whether the proposed lot split conforms to the requirements of this Ordinance. If the Zoning Administrator determines the proposed lots do comply with the requirements of this Ordinance, the Administrator may issue approval for proceeding with the proposed lot split.

Whenever the Zoning Administrator shall determine the proposed lot split do not conform to the requirements of this Ordinance, the application for lot split shall be denied with the reason(s) for denial indicated on the application form.

Any lot of record split into two or more lots following the effective date of this Ordinance which has not been approved under terms of this Ordinance shall be deemed an illegal lot split and a nuisance per se.

Lot areas existing of record at the effective date of this Ordinance shall not be reduced below the minimum lot area requirement specified in this Ordinance for the zone in which the parcel is located. Any parcel of land divided or otherwise created after the effective date of this Ordinance shall comply with the minimum lot area requirement of the district in which the land is located.

## **SECTION 190.320 REGULATIONS APPLICABLE TO SINGLE FAMILY DWELLINGS**

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

- A. If the single family dwelling unit is a mobile home, modular or manufactured home then it must either be (i) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be

promulgated, or (ii) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (i) above, and found, on inspection by the Building Inspector or his design, to be in excellent condition and safe and fit for residential occupancy.

- B. The single family dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Village, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by Village codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The single family dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, minimum building width, required yard and maximum building height requirements of the zoning district in which it is located.
- D. If the single family dwelling unit is a mobile home, the mobile home shall be installed with the wheels removed.
- E. The dwelling must be firmly attached to a permanent foundation constructed on the building site. The foundation must have walls with perimeter dimensions that are at least the same as the perimeter dimensions of the dwelling and must be constructed of materials which are permitted under the building code for foundations. If the dwelling is a mobile home, the foundation must fully enclose the chassis, undercarriage and towing mechanism, and the following requirements must also be met:
  - (1) The mobile home must be placed on a continuous concrete pad, which is at least six inches in thickness and the dimensions of the concrete pad must be at least equal to the dimensions of the dwelling. The pad must be reinforced with rolled, welded wire remesh (6" x 6," 10-10 gauge), or equivalent strengthening material.
  - (2) The use of fiberglass, plastic, metal, or other skirting materials is prohibited. All skirting must consist of at least three rows of concrete blocks.
- F. If the single family dwelling unit is a mobile home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for mobile home parks.

- G. The single family dwelling unit shall have a minimum horizontal dimension across any front, side and rear elevation of 20 feet, and the minimum width thereof shall comply with the minimum building width provision of Schedule A of Section 190.1501.
- H. Storage area within a building with an area of no less than 120 square feet shall be provided. This storage area may consist of a basement, closet areas, stairway accessible, attic or attached garage in a main building, or in a detached accessory building which is in compliance with all other applicable provisions of the ordinance pertaining to accessory buildings.
- I. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than 16 inches between the first floor entry of the single family dwelling unit and the adjacent grade.
- J. The pitch of the main roof of the single family dwelling unit shall not be less than three feet of rise for each 12 feet of horizontal run nor shall roof covering be metal.
- K. The exterior finish of the single family dwelling unit shall be compatible with existing dwellings within 300 feet and shall not be vertical groove steel siding.
- L. The single family dwelling unit shall be so placed on the lot that the portions nearest the principal street frontage are at least 30 feet in dimension parallel to the street.
- M. The single family dwelling unit shall have no less than two exterior doors, with one being in either the rear or the side of the dwelling unit.

#### **SECTION 190.321 ADVERTISING STRUCTURES, SIGNS, AND NAME PLATES**

- A. **Definitions.** The following words and phrases shall have the meanings set forth in this section when they are used in this section:
  - (1) **Accessory Sign.** A sign which pertains to the principal use of the premises upon which such sign is located.
  - (2) **Architectural Features/Artwork.** Decorative features of buildings or works of art (e.g., murals) so long as such features or works do not contain letters, trademarks, moving parts, or lights.
  - (3) **Banner Sign.** A sign on paper, cloth, fabric or other combustible material of any kind, either with or without frames.
  - (4) **Billboard or Off Premises Advertising Sign.** A sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located. New billboard or off premises signs shall be expressly prohibited.

- (5) **Building Frontage.** The length of the portion of a building facing a street abutting to the premises on which a business is located.
- (6) **Bulletin Board.** A sign with temporary or replaceable letters or characters, used to announce dates of functions or activities.
- (7) **Canopy.** A suspended covering, often movable, placed above a door, window, or other entranceway. Canopies can be constructed of cloth, metal, wood, or other materials.
- (8) **Construction Sign.** A sign advertising a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers and architects.
- (9) **Directional Sign.** A sign, the primary purpose of which is to expedite the flow of vehicular and/or pedestrian traffic to, from and within a site.
- (10) **Electronic Message Board.** A sign that uses lights to display messages, such as, but not limited to, the current time, temperature, and/or date of the immediate environment.
- (11) **Flag.** A banner of distinctive design used as a symbol of a nation, state or other governmental entity or a nonprofit organization.
- (12) **Flashing Sign.** A sign that is intermittently illuminated or reflects light intermittently from either an artificial source or from the sun.
- (13) **Freestanding Sign.** A sign supported by one or more uprights, poles, pylons or braces placed in or upon the ground and not attached to any building or other structure.
- (14) **Grade.** The average elevation of an area within a radius (of the sign base) equal to two times the height of the sign.
- (15) **Handicapped Sign.** A sign limited to indicating that off street parking is reserved for the physically handicapped, or a sign which is limited to indicating facilities for the physically handicapped.
- (16) **Illuminated Sign.** A sign which has characters, letters, figures, or designs which are illuminated either internally or with external shielded lights.
- (17) **Institutional Sign.** A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institutions, and the announcement of its services or activities.
- (18) **Interior Sign.** A sign which is visible from any public street, sidewalk, alley, park or public property and located within a building.

- (19) **Marquee Sign.** A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.
- (20) **Maximum Sign Height.** Shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure.
- (21) **Minimum Sign Height.** Shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure.
- (22) **Moving Sign.** A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, twinkling, or varying intensities of illumination.
- (23) **Non Accessory Sign.** A sign which does not pertain to the principal use of the premises on which such sign is located.
- (24) **Occupational Sign.** A sign denoting only the name and profession of an occupant in a commercial building or public institutional building.
- (25) **Off Premises Directional Sign.** A sign intended to provide directions to a business or enterprise located within the Village, consisting of the entity name and a directional arrow. No graphics, pictures or other text is permitted.
- (26) **Portable Sign.** A sign, sign board, or banner which is not permanently anchored or secured to either a building, structure or the ground; or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising. Portable signs shall be expressly prohibited within the Village, except as provided in this section.
- (27) **Premises.** A lot or group of lots with one or more buildings which functions as a single use, is under the same ownership or control and is not divided by a public street. Multiple tenants of a single premises may share common entranceway and off street parking. Examples of premises include a shopping center, a multiple family apartment complex, and a educational or medical campus.
- (28) **Projecting Sign.** A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure, and projecting therefrom.
- (29) **Roof Sign.** A sign which is erected, constructed and maintained on or above the roof of a building or any portion thereof. Roof signs are permitted within the Village if they are installed in a manner that is structurally safe and secure, as determined by the Zoning Administrator based on plans submitted before installation of the sign.

- (30) **Sign.** Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designated to be visible from outside any building or structure in which, upon which, or attached to which it may be located.
- (31) **Sign Area.** The entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material, graphic or color forming an integral part of the display or message, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, if no advertising matter is placed thereon.
- (32) **Sign Erector.** Any person engaged in the business of erecting, constructing, altering, or removing signs on a contractual or hourly basis.
- (33) **Subdivision/Development Sign.** A sign or entranceway structure, listing the names and addresses only of the establishments occupying a development, subdivision or condominium. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.
- (34) **Temporary Sign.** A sign intended to be displayed for a limited period of time, including decorative displays for holidays, special events, political signs, real estate signs, or public demonstrations.
- (35) **Wall Sign.** A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building. A mural will not be considered a wall sign, but the mural shall not advertise any business, goods or services. A wall sign shall not advertise businesses, goods or services except those offered on the premises.
- (36) **Zoning Administrator.** The Village Zoning Administrator or other Village official authorized to undertake activities required in this section.

**B. General Sign Provisions.**

- (1) **Installation.** Signs shall be placed, constructed and erected in accordance with good construction practices and shall be maintained in good condition and repair.
- (2) **Permit Required.** No permanent signs except those exempt from the provisions of this section, shall be placed, constructed or erected unless a permit therefor has been issued by the Zoning Administrator.
- (3) **Non-Interference.** No sign or sign structure shall be placed, constructed or erected in any location or manner where it may interfere with, obstruct

the view of, or be confused with any authorized traffic sign, signal or device. No rotating light or flashing illumination shall be used on or in connection with any sign.

- (4) **Location.** Signs shall be placed only on private property except for lawful signs of governmental purposes or events shall be allowed provided such displays receive a no-fee permit from the Zoning Administrator and are placed for no longer than the length of the event or 30 days, whichever shall be less. Displays shall not be placed or erected in any manner such as to create or tend to create a traffic hazard or public nuisance.
- (5) **External and Internal Illumination.** Signs shall be illuminated only in accordance with this section. It is the intent of this section to ensure that illuminated signs do not create glare or unduly illuminate the surrounding area. Illuminated signs shall be constructed and operated in compliance with the electrical code adopted by the Village as administered by the electrical inspector. The following provisions shall apply:

(a) **Externally Illuminated Signs.**

- (i) Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed at adjacent streets, roads or properties.
- (ii) Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads or properties.

The average of the illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles and the uniformity ratio (the ratio of the maximum to the minimum illumination) shall not exceed 2:1.

(b) **Internally Illuminated Signs.**

- (i) The light source shall be fluorescent tubes, spaced at least eight inches on center, mounted at least 3.5 inches from the translucent material.
  - (ii) The light source (bulb) of internal illumination shall be sufficiently shielded or obscured that the light source does not shine directly onto adjacent streets or other lands.
- (c) No sign, whether externally or internally illuminated, shall be illuminated by other than approved devices. No open spark or flame shall be used for display purposes. All illuminated signs shall be so constructed, arranged and shielded so as not to interfere with the vision of persons travelling on adjacent streets. Light

from an illuminated sign shall not shine onto adjacent property which is used for residential or other purposes.

- (6) **Street Right-of-Ways.** No sign (or any pole or support cable of any nature) except those established and maintained by the Village, township, county, state or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, or private street easement, unless otherwise authorized in this Ordinance.
- (7) **Traffic Distractions.** No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- (8) **Clear Vision Area.** No sign above a height of 36 inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two public or private street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, unless visual under clearance can be assured on the plans.
- (9) **Proximity to Electrical Conductors.** No sign shall be erected so that any part including cables, guys, etc., will be within ten feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- (10) **Wall Signs.** No wall sign shall project beyond or overhang the wall, or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.
- (11) **Sign Owner Insurance Requirements.** If the vertical distance of a sign above the street is greater than its horizontal distance from the sign to the street right-of-way or is so located as to be able to fall or be pushed onto public property in any manner, then the owner of such sign shall obtain and maintain in full force and effect comprehensive general liability insurance in an amount not less than \$1,000,000 for injuries to one person and not less than \$3,000,000 for injury to more than one person, and in an amount not less than \$25,000 for damage to any property, resulting in any way from such sign. The Village shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be canceled or modified unless ten days prior written notice is given to the Village.

The sign erector shall, prior to the issuance of a permit, provide the Village with a certificate of insurance evidencing such coverage and shall maintain a current certificate on file with the Village. All insurance shall



be issued by insurance carriers licensed to do business by the State of Michigan or by surplus lines carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus lines carriers shall be rated A+ or better by A.M. Best Company. In lieu of an insurance policy as required herein, an owner may present satisfactory proof to the Village Attorney that said owner is financially capable of self-insurance in the above amounts.

C. **Computation of Sign Area.** For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- (1) **Single Face Sign.** The total area of a single face sign shall be computed as the number of square feet within any single or combination of geometric shapes - such as a square, rectangle, triangle or circle - encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- (2) **Double Face Signs.** For double-face signs having two faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two-foot space between the two faces; the area of the sign shall be computed as one-half the total area of the two faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
- (3) **Three Dimensional Signs.** For signs which are designed as a three dimensioned geometric form such as a sphere, cone, cylinder, or cube; the area shall be computed as one-half the total surface of the geometric form.

D. **Permit Required for Signs.**

- (1) **Sign Erection Permit.** It shall be unlawful for any person to construct, erect, re erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Zoning Administrator. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
- (2) **Sign Maintenance or Change of Message.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard.
- (3) **Planning Commission Approval.** All subdivision/development signs, time/date/or temperature signs, or any type of sign not explicitly defined in

this section must be approved by the Zoning Administrator before a permit shall be issued.

- (4) **Sign Erector Requirements.** Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of this section.
  - (5) **Permit Applications.** Applications for sign permits shall be made upon forms provided by the Village for this purpose and shall contain the following information:
    - (a) Name, address and phone number of applicant.
    - (b) Location of the building, structure, or lot on which the sign is to be attached or erected.
    - (c) Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
    - (d) Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.
    - (e) Zoning district in which the sign is to be located.
    - (f) Two copies of the sign plans and specifications for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
    - (g) Name and address of the sign erector.
    - (h) Insurance policy as required herein.
    - (i) Such other information as the Village may require to show full compliance with this and all other applicable laws of the Village, Muskegon County and the State of Michigan.
  - (6) **Sign Erection Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within 180 days of the date of issue.
- E. **Signs Exempt from Permit Requirements.** No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for its proper location, erection, and maintenance.

- (1) **Government Signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, or regulatory signs.
- (2) **Flags.** Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as a means of advertising.
- (3) **Address Signs.** Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (4) **Street Signs.** Signs erected by private developers or county, state, or federal governments for street names, traffic control, or direction and information.
- (5) **Private Traffic Signs.** Signs directing and guiding traffic and parking on private property that do not exceed six square feet each and bear no advertising matter.
- (6) **Handicapped Signs.** Not exceeding four square feet each and bearing no advertising matter.
- (7) **Architectural Features/Artwork.** Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, copyrighted material, products or services offered for sale on the premises, moving parts, or lights.
- (8) **Small Accessory Signs and Home Occupation Signs.** Any accessory sign or home occupation sign erected on a premise which is no more than four square feet in area. The total area of all small accessory signs on one premise shall not exceed eight square feet, except in residential districts in which the total area of all small accessory signs on one premise shall not exceed six square feet.
- (9) **Temporary Signs, Banners, Flags.** Temporary signs, not specifically regulated in any other section of this section, including but not limited to: political or campaign signs, real estate signs, signs for special events or activities, banners, flags, and the like shall be permitted subject to the following conditions:
  - (a) No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five feet from any public sidewalk or street right-of way; provided, however, other than the prohibition on signs attached to utility poles, this section (a) shall not apply to those downtown commercial areas where the sidewalk abuts the principal building.

- (b) Temporary signs other than political or campaign signs may not be installed or displayed more than 30 days prior to the commencement of the event, activity, election, sale, etc. for which the temporary sign is displayed, and must be removed within seven days of the conclusion of such event, activity, election or sale.
  - (c) The total area and height of temporary signage shall not exceed the following standards:
    - (i) In residential districts, temporary signage shall be limited to six square feet in area and six feet in height.
    - (ii) In all commercial and industrial districts, temporary signage shall not exceed 32 square feet of total sign area per side or a height of eight feet.
- (10) **Essential Service Signs.** Essential services signs denoting utility lines, railroads, hazards and the like.
- (11) **Construction Signs.** Construction signs are permitted in any district. They shall be no larger than 32 square feet in area and no greater than six feet in height. They shall not be erected until a building permit for the project has been issued and shall be removed when a Certificate of Occupancy has been issued.
- (12) **Historic Landmark Signs.** Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies.
- (13) **No Hunting or Trespassing Signs.** Signs or placards posted to control or prohibit hunting or trespassing.
- (14) **Memorial Signs and Markers.** Memorial signs, tablets or markers.
- F. **Signs Prohibited Throughout the Village.** The following signs are prohibited throughout the Village, notwithstanding anything to the contrary in this section, except as stated in this section.
  - (1) **Moving Signs.** Signs that revolve or are animated or that utilize movement to attract attention. No sign shall have blinking, flashing, or fluttering lights or other illuminated devices such as a changing light intensity, brightness or color. Electronic message boards or changeable copy signs in which the copy consists of an array of light, are permitted, provided that the frequency of message change is not less than two seconds. All lights in a display shall activate simultaneously, remain activated for not less than two seconds, and deactivate simultaneously. Beacon lights and search lights are not permitted.

- (2) **Flashing Signs.** Signs which are illuminated by or in any manner incorporates lights that flash, twinkle, move, or give the appearance of movements.
- (3) **Banners, Streamers.** Exterior banners, pennants, spinners, other than a banner or pennant used as a permitted sign under provisions of this section.
- (4) **String Lights.** Exterior string lights used in connection with a commercial premises, other than holiday decorations, which shall be removed within 15 days after the holiday.
- (5) **Unsafe Signs.** Any sign which is structurally or electrically unsafe, which obstructs ingress or egress from a door, window or emergency exit, or which could interfere with, mislead, confuse, distract or obstruct a driver of a motor vehicle.
- (6) **Utility Poles and Landscaping.** Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the Village, county, state, or federal government or a public transit agency.
- (7) **Non-anchored Signs.** Freestanding signs not permanently anchored or secured to either a building or the ground, except real estate "open house" signs.
- (8) **Signs on Vehicles.** Signs displayed on any vehicle or trailer when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service, or commodity on the premises.
- (9) **Sign Structure Without Sign.** Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 180 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
- (10) **Portable Signs.** Portable signs are prohibited except as stated in this subsection.
  - (a) A portable sign may be installed on a parcel of land in a residential zoning district for a period not to exceed seven days in any six month period.
  - (b) Any such portable sign shall be located on private property only, and shall not encroach onto any public or private street right-of-way.

- (11) **Air Filled or Gas Filled Balloon Signs.** Such signs are prohibited.
- (12) **Billboards.** New billboards, being those proposed to be erected after the effective date of this Section 190.321, as amended, are prohibited.
- (13) **Other Signs Prohibited.** Other signs not expressly permitted by or that do not conform to the provisions of this section shall be prohibited.

G. **Signs in the Natural Resources, R-1, R-2, R-3, R-4 and R-5 Districts.** Signs in the Natural Resources, R-1, R-2, R-3, R-4 and R-5 Districts shall be permitted only in accordance with this section and other applicable provisions of this Ordinance.

- (1) Signs exempt from permit requirements.
- (2) For permitted uses other than dwellings, one sign is permitted for each street frontage, not exceeding 12 square feet in area, except as provided elsewhere in this ordinance. Each sign shall be set back at least ten feet from the front right-of-way line or lot line.
- (3) Signs for the purpose of identifying churches, schools, parks and playgrounds, governmental and community buildings, libraries, museums, residential and other subdivisions, the square footage permitted in subpart (2) above may be an area not exceeding 32 square feet for all of such signs located on a lot or parcel of land, unless a greater area is approved by the Planning Commission. Such signs may be attached flat against a building or may be freestanding.

In addition, the foregoing uses may also have no more than two off-premises directional signs located at least one foot off the road right-of-way, provided each off-premises directional sign does not exceed four square feet in area, is not located in a public or private street right-of-way and is accompanied by written consent of the property owner of the parcel on which the sign shall be located. No person or entity may have more than two off-premises directional signs within the Village.

Further, if one of the foregoing uses is determined to be a “large parcel” as determined herein, the use may erect one additional sign which shall be used to describe or depict events or activities on the premises. The additional sign shall not exceed 32 square feet of total sign area per side or six feet in height, shall not be illuminated and shall be at least ten feet back from any right-of-way line. For purposes of this paragraph, a “large parcel” shall be a parcel which contains at least two of the following criteria: (a) the parcel shall be no less than 3.0 acres in size, (b) the parcel shall have frontage on no less than three streets, or (c) the parcel shall have no less than 900 feet of frontage on a public street.

- (4) In the R-3, R-4 and R-5 Districts, signs identifying multiple family dwelling, retirement homes, nursing homes and similar group housing, state licensed mobile home parks and professional offices shall not exceed 32 square feet in total area for all of the signs on any lot or parcel of land, unless a greater area is approved by the Planning Commission. Such signs may be attached flat against a building or may be freestanding.
- (5) Signs shall not exceed a height of ten feet above grade, except as provided elsewhere in this section.

**H. Signs in the C-1, C-2, C-3, O and I Zoning Districts.** Signs in the C-1, C-2, C-3, O and I Districts shall be permitted only in accordance with this section and other applicable provisions of this Ordinance.

- (1) Signs exempt from permit requirements.
- (2) Signs shall not exceed 80 square feet in area per sign and shall not exceed 160 square feet in total area of all signs (not including exempt signs) per lot or parcel of land. No more than one wall sign and one freestanding sign for each street frontage shall be permitted.
- (3) Signs for the purpose of identifying churches, schools, parks and playgrounds, governmental and community buildings, libraries, museums, residential and other subdivisions, the square footage permitted in subpart (2) above may be an area not exceeding 160 square feet for all of such signs located on a lot or parcel of land, unless a greater area is approved by the Planning Commission. Such signs may be attached flat against a building or may be freestanding.

In addition, the foregoing uses may also have no more than two off-premises directional signs located at least one foot off the road right-of-way, provided each off-premises directional sign does not exceed four square feet in area, is not located in a public or private street right-of-way and is accompanied by written consent of the property owner of the parcel on which the sign shall be located. No person or entity may have more than two off-premises directional signs within the Village.

- (4) Signs shall not exceed a height of 18 feet for pole signs with a minimum ground clearance for the bottom of the sign not less than 12 feet. Ground signs shall not exceed six feet in height.
- (5) Wall signs shall not exceed 35 square feet in area.
- (6) Signs may be attached flat against a building. One freestanding sign for each frontage shall be permitted, but in the case of a multi-use or multi-tenant property, in addition to a freestanding sign on each frontage, each commercial establishment is permitted to have a wall sign not to exceed 35 square feet in area. The total square footage of all signs for a

multi-use parcel shall not exceed 300 feet in area. Any freestanding sign shall be located at a minimum setback of ten feet from the nearest street right-of-way line.

**I. Signs in the PUD Zoning District.** Signs in the Planned Unit Development District shall be permitted only in accordance with this section and other applicable provisions of this Ordinance.

- (1) Signs in a Residential Planned Unit Development District shall comply with all provisions of this section, including Section 190.321.G, unless otherwise approved as part of the PUD final development plan.
- (2) Signs in a Commercial or Industrial Planned Unit Development District shall comply with all provisions of this section, including Section 190.321.H, unless otherwise approved as part of the PUD final development plan. For purposes of this subsection, an office planned unit development district shall be deemed a commercial planned unit development district.
- (3) Signs in a Planned Unit Development district which includes more than one type of land use shall be as determined as part of the PUD review process, provided that the signs in and for each type of use shall comply with the sign provisions for such type of use as set forth in this section. Signs pertaining to more than one type of use or signs which cannot reasonably be differentiated as to type of use shall be as determined by the Planning Commission and Village Council. In considering approval of such signs, the Planning Commission and Village Council shall consider the nature, size, density, location and design of the PUD, including the design and other safety hazards, will be injurious to the use or enjoyment of nearby property or will result in visual blight or distraction.

**J. Signs For Special Land Uses.**

- (1) Signs in and for special land uses shall be permitted only in accordance with the applicable sign provisions of the district in which the use is located as well as provided in this Section 190.321; provided, however, in the context of a special land use review, the Village may approve a modification of the applicable requirements provided in this Section 190.321 regarding the maximum area of a sign, the maximum total area of signs per lot or parcel of land, the maximum total area of signs per lot or parcel of land, the maximum height of free standing signs and the placement of signs in relation to the street right-of-way, if the applicant demonstrates the following:
  - (a) That the modification of such requirements is justified as a result of the nature, size, density, location or design of the special land use, including the design or placement of proposed signs.



- (b) That the modification of such requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight or distraction and will not otherwise result in a detriment to the public health, safety or general welfare.

**K. Construction and Maintenance Requirements.**

- (1) **Materials and Design.** All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the State Building Code and requirements of this section.
- (2) **Maintenance.** All signs and all components thereof, including without limitation supports, braces and anchors, shall be securely fastened and supported and shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out of plumb, worn, rusted or missing material parts shall be repaired within 15 days of written notification of the ownership.

**L. Non-conforming Signs, Including Non-conforming Billboards.**

- (1) **Intent.** It is the intent of this section to encourage eventual elimination of signs that as a result of the adoption of this section become non-conforming, to administer this section to realize the eventual removal of illegal non-conforming signs, to avoid any unreasonable invasion of established private property rights and to adopt regulations on the limited alteration or provisional relocation of certain non-conforming signs, in particular circumstances. This subsection 190.321.L includes specific, detailed provisions regarding non-conforming signs, and accordingly, in the event of a conflict between the provisions of this subsection 190.321.L and the other provisions of Section 190.321, the provisions of this subsection 190.321.L shall control.
- (2) **Lawful Existing Signs.** A sign lawfully existing at the time of the adoption of these provisions which does not fully comply with the provisions of this section or other relevant provisions of this Ordinance shall be deemed a lawful non-conforming sign and may be permitted to remain if the sign is properly maintained and if it has no serious adverse effects on the public health, safety and general welfare, except as otherwise stated in this section.
- (3) **Continuance of Non-conforming Signs, Including Non-conforming Billboards.** This subsection (3) regulates non-conforming signs, including non-conforming billboards.

- (a) A non-conforming sign shall not be enlarged or expanded in area, increased in height or changed to another non-conforming sign, in whole or in part.
- (b) A non-conforming sign shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, whether on the same parcel of land or on another parcel of land.
- (c) A non-conforming sign shall not be structurally rebuilt or reconstructed to such extent as will prolong the useful life of the sign; or so as to change the shape, size, type, placement or design of the structural elements of the sign; or in order to add illumination, whether by the addition of additional sources of light or by the increase in the intensity of existing light sources.
- (d) A non-conforming sign shall not be repaired, re-erected or re installed after being damaged as a result of casualty, if the repair, re erection or re-installation of the sign, within any 12-month period, would cost more than 60 percent of the cost of a substantially identical new sign. In evaluating evidence presented as to the cost of a substantially identical new sign, the Village may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.
- (e) A non-conforming sign shall not be altered or revised, except that the following actions with respect to a non-conforming sign shall be permitted: normal and usual maintenance; the changing of the sign surface area to a lesser or equal area; the replacement of landscaping below the base of the sign; or the changing of the sign's background, letters, figures, graphics or other characters.

## **SECTION 190.322 DRIVEWAYS**

- A. For the purposes of this Ordinance, a driveway is defined as a route, way or easement that is used or intended to be used to provide vehicular access from a public or private street or road to a lot or parcel.
- B. A driveway shall not be used to provide vehicular access to more than one lot or parcel
- C. Any driveway that exceeds 150 feet in length shall have a base course which is at least ten feet in width for the entire length of the driveway. The driveway must also have a cleared and passable area which is at least 20 feet in width for the entire length of the driveway. All driveways shall have at least 14 feet of vertical clearance for the entire length of the driveway. The base course shall be constructed of a compacted sand base which is at least eight inches in depth, with an overlay of compacted gravel, crushed concrete, slag, or similar material that is

at least four inches in depth for the entire length of the driveway. Topsoil must be removed from the base course. "Clear and passable" shall mean that the area is free of roots, brush, shrubs, trees, obstructions, or any other debris.

- D. When necessary for proper drainage, a drainage ditch shall be placed along both sides of the driveway.
- E. The nearest edge of any driveway, or any portion thereof, must be set back at least five feet from all side lot lines.
- F. A construction plan for any driveway must be submitted to the Zoning Administrator prior to the issuance of a building permit. A building permit shall not be issued until a construction plan for a driveway which meets all requirements of the Village's ordinances has been approved by the Zoning Administrator.
- G. In addition to the foregoing requirements, any driveway which exceeds 500 feet in length must include a cul-de-sac or approved alternative of sufficient width that provides enough room for emergency vehicles to turn around. The cul-de-sac or alternative shall be reviewed by the area Fire Chief prior to issuance of a building permit, and shall only be approved if it is adequate, in the judgment of the Fire Chief, for emergency vehicles to turn around.
- H. All driveways must be constructed and completed in accordance with the requirements of this section prior to the issuance of an occupancy permit.

### **SECTION 190.323 SWIMMING POOLS**

- A. Pools used for swimming or bathing and outdoor hot tubs shall be in conformity with the requirements of this section provided, however, these regulations shall not be applicable to any such pool less than 24 inches deep or having a surface area less than 250 feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a permit has been obtained from the Zoning Administrator.
- C. The outside edge of the pool shall not be located closer than five feet from any rear or side property line. No pool shall be located under any electrical wiring or in a front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least four feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must not be less than four feet above the underlying grounds; all gates must be self-latching with latches made inaccessible from the outside to small children.

- E. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

#### **SECTIONS 190.324 MOVING OF BUILDINGS INTO VILLAGE**

No building or other structure shall be moved into the Village unless the building or structure complies, or will be made to comply before it is used, with the Village Building Code and other applicable Village ordinances.

#### **SECTIONS 190.325 PROHIBITION OF MEDICAL MARIHUANA FACILITIES WITHIN THE VILLAGE**

The Village of Ravenna does not authorize or permit medical marihuana facilities, also known as marihuana facilities, and intends hereby to prohibit such facilities from being operated or located within the Village to the maximum extent permitted under the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act (Act 281 of the Public Acts of 2016). No provision of this ordinance shall be construed as implicit or explicit permission or authorization by the Village to operate or locate a marihuana facility within the Village. For purposes of this Section, the words and phrases contained herein shall have the same meaning as set forth in the Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, other state statutes regulating marihuana and the regulations adopted under such statutes by the State of Michigan Department of Community Health.

#### **SECTIONS 190.326 - 190.399 (RESERVED)**

## **CHAPTER 4**

### **ZONING DISTRICTS**

#### **SECTION 190.400 ESTABLISHMENT OF ZONING DISTRICTS**

The Village of Ravenna is hereby divided into the following zoning districts:

- R-1 Single Family Residential District
- R-2 Single and Two Family Residential District
- R-3 Moderate Density Multiple Family Residential District
- R-4 High Density Multiple Family Residential
- R-5 Manufactured Housing Community District
- C-1 Central Business District
- C-2 Community Business District
- C-3 General Business District
- O Office District
- I Industrial District
- PUD Residential Planned Unit Development District
- NR Natural Resources District

#### **SECTION 190.401 OFFICIAL ZONING MAP**

The zoning districts are identified and located on the Village of Ravenna Zoning District Map, which is hereby made a part of this Ordinance.

Any change in a zoning district boundary, whether resulting from a zoning ordinance amendment or an interpretation of a zone boundary by the Zoning Board of Appeals, shall be entered on the Zoning District Map, with the effective date of such change, by the Zoning Administrator or other authorized person.

The Zoning District Map shall be maintained in the office of the Village Clerk, and shall be the final authority as to the zoning of any parcel of land in the Village.

#### **SECTION 190.402 RULES FOR INTERPRETATION OF OFFICIAL MAP**

Whenever uncertainty exists as to the boundaries of zoning districts shown on the Official Zoning District Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot or parcel boundary shall be construed as following such line.
- C. A boundary indicated as following a shoreline shall be construed as following such shoreline or the actual shoreline if the shoreline is changed by any means.
- D. A boundary indicated as following a centerline of a stream, river, canal, lake or other water body shall be construed as following such centerline.
- E. Whenever a natural or man-made feature on the ground is at variance with that shown on the Official Map, or in any circumstances not covered by this section, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.
- F. For any distance not specifically indicated on the Official Map the Zoning Administrator shall determine the distance to the nearest foot based on the scale of the map.

**SECTIONS 190.403 - 190.499 (RESERVED)**

## **CHAPTER 5**

### **R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 190.500 PURPOSE**

This district provides for land uses in those areas where single family dwellings are located, and also for residential uses in areas where single family dwellings may be located in the future. The district is intended to encourage and protect areas in the Village used for single family dwellings on larger lots, and to provide adequate light and air and yard areas, and protection from adverse or incompatible land uses.

#### **SECTION 190.501 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures, or other improvements may be erected, altered, enlarged, or used for one or more of the following purposes:

- A. Single family detached dwellings.
- B. State licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

#### **SECTION 190.502 ACCESSORY USES PERMITTED**

- A. Buildings, structures and uses customarily accessory to the principal permitted uses are permitted.
- B. A home office in a dwelling or dwelling unit shall be a permitted residential accessory use if all of the conditions as stated in Section 190.309.L are satisfied.

#### **SECTION 190.503 SPECIAL LAND USES**

Upon approval by the Planning Commission and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Park and recreation use and facilities.
- B. Home occupation, limited to single family detached dwellings.
- C. Education facility.
- D. Church or other house of worship.
- E. Essential service building.

- F. A child care center, group home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions.
- G. Bed and breakfast establishment.

#### **SECTION 190.504 HEIGHT**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.505 LOT AREA AND COVERAGE**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.506 YARD REQUIREMENTS**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.507 LOT FRONTAGE AND WIDTH**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.508 FLOOR AREA/BUILDING WIDTH**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.509 ACCESSORY BUILDINGS**

Refer to Schedule D, Chapter 15.

#### **SECTIONS 190.510 – 190.599 (RESERVED)**



## **CHAPTER 6**

### **R-2 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 190.600 PURPOSE**

This district provides for single family detached dwellings and two family dwellings, located on smaller lots than in the R-1 District, but still providing for adequate light and air and yard areas, and protection from adverse or incompatible land uses.

#### **SECTION 190.601 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures, or other improvements may be erected, altered, enlarged, or used for one or more of the following purposes:

- A. Single family detached dwellings.
- B. Two family dwellings.
- C. State licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

#### **SECTION 190.602 ACCESSORY USES PERMITTED**

- A. Buildings, structures and uses customarily accessory to the principal permitted uses are permitted.
- B. A home office in a dwelling or dwelling unit shall be a permitted residential accessory use if all of the conditions as stated in Section 190.309.L are satisfied.

#### **SECTION 190.603 SPECIAL LAND USES**

Upon approval by the Planning Commission and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Park and recreation use and facilities.
- B. Home occupation, limited to single family detached dwellings.
- C. Education facility.
- D. Church or other house of worship.
- E. Essential service building.

- F. A child care center, group home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions.
- G. Bed and breakfast establishment.

#### **SECTION 190.604 HEIGHT**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.605 LOT AREA AND COVERAGE**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.606 YARD REQUIREMENTS**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.607 LOT FRONTAGE AND WIDTH**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.608 FLOOR AREA/BUILDING WIDTH**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.609 ACCESSORY BUILDINGS**

Refer to Schedule D, Chapter 15.

#### **SECTIONS 190.610 – 190.699 (RESERVED)**

## **CHAPTER 7**

### **R-3 MODERATE DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 190.700 PURPOSE**

This district is intended to accommodate multiple family dwellings of not more than four dwelling units each, at moderate building density. Areas included in this district may be in the vicinity of single family neighborhoods, but they will be situated so as to avoid adverse effects upon or incompatibility with single family neighborhoods.

#### **SECTION 190.701 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures or other improvements may be erected, altered, enlarged or used for one or more of the following purposes:

- A. Two-family, three-family or four-family attached dwellings.
- B. Single family detached dwelling, if approved by the Planning Commission as a special exception use, but public hearing thereon or special public notice thereof shall not be required.
- C. State licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

#### **SECTION 190.702 ACCESSORY USES PERMITTED**

- A. Buildings, structures and uses customarily accessory to the principal permitted uses are permitted.
- B. A home office in a dwelling or dwelling unit shall be a permitted residential accessory use if all of the conditions as stated in Section 190.309.L are satisfied.

#### **SECTION 190.703 SPECIAL LAND USES**

Upon approval by the Planning Commission and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Conversion of a single family detached dwelling into a two-family, three-family or four-family attached dwelling.
- B. Park and recreation use and facilities.
- C. Education facility.

- D. Church or other house of worship.
- E. Essential service building.
- F. A child care center, group home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions.
- G. Nursing homes, homes for the aged, those state licensed residential facilities with an approved capacity to serve more than 12 persons and those facilities licensed for the care and treatment of persons released from or assigned to adult correctional facilities.
- H. Contractor establishments.

#### **SECTION 190.704 HEIGHT**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.705 LOT AREA AND COVERAGE**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.706 YARD REQUIREMENTS**

Refer to Schedules A and C, Chapter 15.

#### **SECTION 190.707 LOT FRONTAGE AND WIDTH**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.708 FLOOR AREA/BUILDING WIDTH**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.709 ACCESSORY BUILDINGS**

Refer to Schedule D, Chapter 15.

#### **SECTIONS 190.710 – 190.799 (RESERVED)**

## **CHAPTER 8**

### **R-4 HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 190.800 PURPOSE**

The R-4 District is intended to accommodate larger scale multiple family dwellings at a higher density than would prevail in the other residential districts. Areas planned and zoned for this district are limited to locations which are separated and buffered from single family and two family neighborhoods.

#### **SECTION 190.801 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures or other improvements may be erected, altered, enlarged or used for one or more of the following purposes:

- A. Any principal use permitted by right in the R-3 District.
- B. Multiple family attached dwellings.
- C. State licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

#### **SECTION 190.802 ACCESSORY USES PERMITTED**

- A. Buildings, structures and uses customarily accessory to the principal permitted uses are permitted.
- B. A home office in a dwelling or dwelling unit shall be a permitted residential accessory use if all of the conditions as stated in Section 190.309.L are satisfied.

#### **SECTION 190.803 SPECIAL LAND USES**

Upon approval by the Planning Commission and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Conversion of a single family detached dwelling into a two-family, three-family or four-family attached dwelling.
- B. Park and recreation use and facilities.
- C. Education facility.

- D. Church or other house of worship.
- E. Essential service building.
- F. A child care center, group home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions.
- G. Nursing homes, homes for the aged, those state licensed residential facilities with an approved capacity to serve more than 12 persons and those facilities licensed for the care and treatment of persons released from or assigned to adult correctional facilities.
- H. Contractor establishments.

#### **SECTION 190.804 HEIGHT**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.805 LOT AREA AND COVERAGE**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.806 YARD REQUIREMENTS**

Refer to Schedules A and C, Chapter 15.

#### **SECTION 190.807 LOT FRONTAGE AND WIDTH**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.808 FLOOR AREA/BUILDING WIDTH**

Refer to Schedule A, Chapter 15.

#### **SECTION 190.809 DEVELOPMENT REQUIREMENTS**

Multiple family dwellings and developments shall comply with the following minimum requirements:

- A. Direct access to a major street in the Village shall be provided.

- B. Vehicle traffic generated by a multiple family land use in this district shall not enter directly into lands zoned in the R-1 District or the R-2 District.

#### **SECTION 190.810 ACCESSORY BUILDINGS**

Refer to Schedule D, Chapter 15.

#### **SECTIONS 190.811 – 190.899 (RESERVED)**





## **CHAPTER 9**

### **R-5 - MANUFACTURED HOUSING COMMUNITY DISTRICT**

#### **SECTION 190.900 DESCRIPTION AND PURPOSE**

This district is intended to allow primarily for state licensed manufactured housing communities in compliance with the rules and regulations of the Manufactured Housing Commission and the requirements of this chapter.

#### **SECTION 190.901 PERMITTED USES**

Land, buildings and structures in the R-5 District may be used for the following purposes as permitted uses, unless otherwise provided in this Ordinance:

- A. State licensed manufactured housing communities, as regulated by Sections 190.902 through 190.904 of this Ordinance.
- B. Accessory uses customarily incidental to the permitted use, including:
  - (1) Parking areas.
  - (2) Solid waste collection and storage facilities.
  - (3) Laundry and restroom facilities.
  - (4) Open space and recreational uses.
  - (5) Meeting rooms, group kitchen and food service facilities when designed solely for the use of residents of the manufactured housing community.
  - (6) Maintenance and storage buildings when designed solely for the operation and maintenance of the manufactured housing community.

#### **SECTION 190.902 MANUFACTURED HOUSING COMMUNITY DESIGN REQUIREMENTS**

All manufactured housing communities shall comply with the following design requirements:

- A. **Access and Roads.**
  - (1) The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
  - (2) Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.

- (3) All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AASHTO”).
- (4) An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
- (5) Safe-sight distance shall be provided at intersections.
- (6) An offset at an intersection or an intersection of more than two internal roads is prohibited.
- (7) The following types of internal roads shall have driving surfaces that are not less than the following widths:
  - (a) One-way, no parking 16 feet
  - (b) Two-way, no parking 21 feet
  - (c) One-way, parallel parking, one side 23 feet
  - (d) One-way, parallel parking, two sides 33 feet
  - (e) Two-way, parallel parking, one side 31 feet
  - (f) Two-way, parallel parking, two sides 41 feet
- (8) All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community’s internal road, and shall be constructed as follows:
  - (a) All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
  - (b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
  - (c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.

- (9) An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Village Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
- (10) Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

**B. Driveways.**

- (1) Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
- (2) The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

**C. Resident Vehicle Parking.**

- (1) All home sites shall be provided with two parking spaces.
- (2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
  - (a) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
  - (b) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
- (3) If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of 20 feet.
- (4) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

**D. Visitor Parking Facilities.**

- (1) A minimum of one parking space for every three home sites shall be provided for visitor parking.
- (2) Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
- (3) If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

**E. Sidewalks.**

- (1) Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.
- (2) All common sidewalks shall be constructed in compliance with all of the following requirements:
  - (a) Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 *et seq.* of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
  - (b) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
- (3) An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

**F. Lighting.**

- (1) Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.

- (2) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.
- (3) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.
- (4) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

**G. Utilities.**

- (1) All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
- (2) All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Village, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.
- (3) Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
- (4) All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Village, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
- (5) All storm sewers shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Muskegon County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

**H. Site Size, Spacing and Setback Requirements.**

- (1) **Home Site Area.** The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by

20 percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 190.902.J of this chapter.

**(2) Required Distances Between Homes and Other Structures.**

- (a) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
  - (i) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
  - (ii) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
  - (iii) Ten feet from either of the following:
    - (I) The parking space on an adjacent home site.
    - (II) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
  - (iv) Fifty feet from permanent community-owned structures, such as either of the following:
    - (III) Club houses.
    - (IV) Maintenance and storage facilities.
  - (v) One hundred feet from a baseball or softball field.
  - (vi) Twenty five feet from the fence of a swimming pool.
- (b) Attached or detached structures or accessories that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.

- (c) Any part of a home, or an accessory structure, such as steps, porches, supported or unsupported awnings, decks, enclosed carports or garages, or similar structures shall be set back the following minimum distances:
  - (i) Ten feet from the edge of an internal road.
  - (ii) Seven feet from a parking bay off a home site.
  - (iii) Seven feet from a common sidewalk.
  - (iv) Twenty five feet from a natural or man-made lake or waterway.
- (d) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
  - (i) Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.
  - (i) Roof overhangs shall be set back four feet or more from the edge of the internal road.

**(3) Setbacks From Property Boundary Lines.**

- (a) Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
- (b) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

**I. Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:

- (1) If a manufactured housing community abuts an existing residential use, the community shall be required to provide landscape screening along the boundary abutting the residential use.
- (2) If the community abuts a non-residential development, it need not provide screening.

- (3) In all cases, however, a community shall provide landscape screening along the boundary abutting a public right-of-way.
- (4) The landscaping shall consist of evergreen trees or shrubs at least three feet in height at planting which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
- (5) Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

**J. Open Space Requirements.**

- (1) Manufactured housing communities shall provide open space in accordance with the following requirements:
  - (a) A community that contains 50 or more home sites shall not have less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreational uses.
- (2) Community recreation uses with the required open space may include, but are not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
- (3) Required setbacks may not be used in the calculation of open space area.

**K. Site Constructed Buildings and Dwellings.**

- (1) Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Village at the time of submission for a building permit.
- (2) The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
- (3) Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single family residential purposes.



- (4) Site-built single family dwellings may be located in a community as follows:
  - (a) One single family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
  - (b) Two single family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
  - (c) Any such single family dwellings permitted under this section shall comply in all respects with the requirements of single family dwellings in the R-1 Single Family Residential District.
- L. **Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.
- M. **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.
- N. **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.
- O. **Compliance with Americans with Disabilities Act.** To the extent applicable, the community shall comply in all respects with the Americans with Disabilities Act, 42 USC § 12101, *et seq.* and the administrative rules promulgated thereunder.

**SECTION 190.903      MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES; OPERATION OF COMMUNITIES.**

- A.    **Home Size.** Manufactured homes within a community shall not contain less than 920 square feet, as measured by the outside dimensions, nor have an outside width of less than 13 feet.
- B.    **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- C.    Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
  - (1)    Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
  - (2)    Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
- D.    **Storage of Personal Property.**
  - (1)    Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any mobile home, or within carports which are open on any side.
  - (2)    Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
  - (3)    Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site for the storage of personal property.

- E. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
- F. A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.
- G. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
- H. New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.
- I. The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
- J. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
- K. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
- L. Each home site shall have approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
- M. Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

#### **SECTION 190.904 REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS**

- A. **Review.** Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any

building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.

**B. Application.** All plans submitted to the Planning Commission for review under this section shall contain the following information:

- (1) The date, north arrow and scale. The scale shall not be less than one inch equals 50 feet for property under three acres and at least one inch equals 100 feet for those three acres or more.
- (2) All site and/or property lines are to be shown in dimension.
- (3) The location and height of all existing and proposed structures on and within the subject property, and existing within 100 feet of the subject property.
- (4) The location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
- (5) The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- (6) The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
- (7) The name and address of the property owner and developer.
- (8) The location of all community rubbish receptacles and landscaping and the location, height, and type of fences and walls.
- (9) Location of all fire hydrants, if applicable.
- (10) The number of manufactured housing sites proposed.
- (11) The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
- (12) Utility and other easements.
- (13) Existing wetlands.
- (14) Proposed sign locations.

- (15) Demonstration that all required setbacks and separation distances will be met.

Provided, however, that detailed construction plans shall not be required to be submitted to the Village.

- C. **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Village Council.

- D. **Decision.**

- (1) The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the ordinance and regulations, it shall be approved.
- (2) The plan shall be approved, approved with conditions, or denied within 60 days after received by the Village, unless the applicant consents to allow a longer period of review. The 60-day review period, or other review period of alternate duration consented to by the applicant, shall not commence, in any case, until the lands for which the plan have been submitted have been zoned in the R-5 District.



## **CHAPTER 10**

### **C-1 CENTRAL BUSINESS DISTRICT**

#### **SECTION 190.1000 PURPOSE**

This district provides for retail sales of goods and for providing of services for residents of the Village and area. The population of this general area will not support major shopping services that are provided elsewhere in the Muskegon metropolitan area, but convenience goods and selected services have been, and will continue to be, accommodated within the Village. This district is designed to meet these limited needs for goods and services within the Village.

#### **SECTION 190.1001 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures or other improvements may be erected, altered, enlarged or used for one or more of the following purposes:

- A. Retail sales including food, drug store, hardware, liquor, gifts, antiques, clothing, furniture, variety goods, dry cleaning and laundry pick up outlets, florist, jewelry, shoes, books, and news stands which operate entirely within an enclosed building.
- B. Services including banks, offices, art and photo studios, motels, hotels, inns, funeral homes, and clinics.
- C. Restaurant without drive-through window.
- D. Churches, lodges, clubs, and fraternities.
- E. Other service and retail commercial uses determined by the Planning Commission to be substantially similar in nature to the listed permitted uses.

#### **SECTION 190.1002 ACCESSORY USES PERMITTED**

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted.

#### **SECTION 190.1003 SPECIAL LAND USES**

Upon approval by the Planning Commission, and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Indoor entertainment uses.
- B. Restaurant, bank or other business with drive-through facilities.
- C. Vehicle washing facility.

- D. Motor vehicle retail sales and leasing.
- E. Mechanical, electrical or plumbing repair service.
- F. Outdoor storage or display of merchandise for sale.
- G. Essential service building.
- H. Education facility.
- I. Wind energy harvest site; wind turbine generator for on-site service only.
- J. A child care center, group home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions.
- K. Nursing homes, homes for the aged, those state licensed residential facilities with an approved capacity to serve more than 12 persons and those facilities licensed for the care and treatment of persons released from or assigned to adult correctional facilities.

#### **SECTION 190.1004 HEIGHT**

Refer to Schedule B, Chapter 15.

#### **SECTION 190.1005 LOT AREA, FRONTAGE, WIDTH AND COVERAGE**

Refer to Schedule B and D, Chapter 15.

#### **SECTION 190.1006 YARD REQUIREMENTS**

Refer to Schedules B and C, Chapter 15.

#### **SECTIONS 190.1007-1099 (RESERVED)**



## **CHAPTER 11**

### **C-2 COMMUNITY BUSINESS DISTRICT**

#### **SECTION 190.1100 PURPOSE**

This district provides locations for commercial uses which cannot be or should not be accommodated in the C-1 Central Business District. Uses in the C-2 District will include commercial, retail, wholesale and other uses requiring larger sites than are available in the C-1 District.

#### **SECTION 190.1101 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures or other improvements may be erected, altered, enlarged or used for one or more of the following purposes:

- A. Any principal use permitted by right in the C-1 District.
- B. Plant nursery or greenhouse, provided that outdoor display areas are enclosed by an opaque fence not less than four feet in height.
- C. Commercial laundry.
- D. Veterinary clinic.
- E. Warehouse where all goods and materials are stored within an enclosed building.
- F. Other commercial uses determined by the Planning Commission to be substantially similar in nature to the listed permitted uses.

#### **SECTION 190.1102 ACCESSORY USES PERMITTED**

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted.

#### **SECTION 190.1103 SPECIAL LAND USES**

Upon approval by the Planning Commission, and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Outdoor recreation establishment.
- B. Gasoline service station.
- C. Commercial garage.
- D. Contractor's establishment.
- E. Restaurant, bank or other business with drive-through facilities.

- F. Retail lumber yard.
- G. Outdoor antique and flea market.
- H. Essential service building.
- I. Education facility.
- J. Machine shop, subject to the provisions of Chapter 16 and all the provisions of Section 190.1305.A-K.
- K. Motor vehicle retail sales and leasing.
- L. Vehicle washing facility.
- M. Mechanical, electrical or plumbing repair service.
- N. Outdoor storage or display of merchandise for sale.
- O. Wind energy harvest site, wind turbine generator for on-site service only.
- P. A child care center, group home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions.
- Q. Nursing homes, homes for the aged, those state licensed residential facilities with an approved capacity to serve more than 12 persons and those facilities licensed for the care and treatment of persons released from or assigned to adult correctional facilities.

#### **SECTION 190.1104 HEIGHT**

Refer to Schedule B, Chapter 15.

#### **SECTION 190.1105 LOT AREA, FRONTAGE, WIDTH AND COVERAGE**

Refer to Schedules B and D, Chapter 15.

#### **SECTION 190.1106 YARD REQUIREMENTS**

Refer to Schedules B and C, Chapter 15.

#### **SECTIONS 190.1107-1199 (RESERVED)**

## **CHAPTER 11A**

### **C-3 GENERAL BUSINESS DISTRICT**

#### **SECTION 190.1100A PURPOSE**

This district provides for major commercial uses.

#### **SECTION 190.1101A PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures or other improvements may be erected, altered, enlarged or used for one or more of the following purposes:

- A. Any principal use permitted by right in the C-1 or C-2 District.
- B. Warehouse.
- C. Outdoor recreation establishment.
- D. Gasoline service station and motor vehicle repair garage.
- E. Commercial garage.
- F. Contractor's establishment, provided that all operations and storage are completely within an enclosed building or completely obscured by an opaque fence not less than six feet in height.
- G. Restaurant, bank and other business with drive-through facilities.
- H. Feed store.
- I. Retail lumber yard, provided that any outdoor storage of materials shall be completely obscured by an opaque fence not less than six feet in height.
- J. Outdoor storage or display of merchandise for sale.
- K. Outdoor antique and flea market.
- L. Other general commercial uses determined by the Planning Commission to be substantially similar in nature to the listed permitted uses.

#### **SECTION 190.1102A ACCESSORY USES PERMITTED**

Buildings, structures and uses customarily accessory to the principal uses are permitted.

### **SECTION 190.1103A SPECIAL LAND USES**

Upon approval by the Planning Commission, and subject to the provisions of Chapter 16, the following special land uses may be established:

Any special land use permitted in the C-1 or C-2 District.

### **SECTION 190.1104A HEIGHT**

Refer to Schedule B, Chapter 15.

### **SECTION 190.1105A LOT AREA, FRONTAGE, WIDTH AND COVERAGE**

Refer to Schedules B and D, Chapter 15.

### **SECTION 190.1106A YARD REQUIREMENTS**

Refer to Schedules B and C, Chapter 15.

### **SECTIONS 190.1107A-1199A (RESERVED)**

## **CHAPTER 12**

### **O - OFFICE DISTRICT**

#### **SECTION 190.1200 PURPOSE**

This district provides for general office uses in areas near or adjacent to residential areas. Intended to act as a buffer between more intensive commercial or industrial uses, the office district affords an opportunity for low impact, small-scale office uses.

#### **SECTION 190.1201 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures or other improvements may be erected, altered, enlarged or used for one or more of the following purposes:

- A. Real estate and insurance offices.
- B. Financial institutions without drive-through facilities.
- C. Medical and dental offices and clinics.
- D. General office uses.
- E. Government office buildings.
- F. Public libraries.
- G. Other land uses determined by the Planning Commission to be substantially similar in nature to the listed permitted uses.

#### **SECTION 190.1202 ACCESSORY USES PERMITTED**

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted.

#### **SECTION 190.1203 SPECIAL LAND USES**

Upon approval by the Planning Commission, and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Financial institutions with drive-through facilities and ATM machines.
- B. Off-street parking facilities.
- C. Essential service buildings.

#### **SECTION 190.1204 HEIGHT**

Refer to Schedule B, Chapter 15.

## **SECTION 190.1205 LOT AREA, FRONTAGE, WIDTH AND COVERAGE**

Refer to Schedules B and D, Chapter 15.

## **SECTION 190.1206 YARD REQUIREMENTS**

Refer to Schedules B and C, Chapter 15.

## **SECTIONS 190.1207-1299 (RESERVED)**

## **CHAPTER 13**

### **I - INDUSTRIAL DISTRICT**

#### **SECTION 190.1300 PURPOSE**

This district provides for the development of general industrial enterprises on lands suitably located for such uses.

#### **SECTION 190.1301 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures, or other improvements may be erected, altered, enlarged, or used for one or more of the following purposes:

- A. Warehousing, storage or transfer buildings, excluding storage of bulk petroleum in above ground tanks.
- B. Truck terminals, including maintenance and service facilities.
- C. Manufacture, compounding, processing, packaging, treating and assembling of materials and goods in the production of:
  - (1) Food products.
  - (2) Textile mill products.
  - (3) Apparel and other finished products made from fabric and similar materials.
  - (4) Lumber and wood products, but not including logging.
  - (5) Furniture and fixtures.
  - (6) Paperboard containers and products.
  - (7) Printing and publishing.
  - (8) Engineering, optical, measuring, medical, photographic and other precision instruments.
  - (9) Jewelry, silverware, toys, athletic equipment, musical instruments, signs, displays and similar products.
- D. Wholesale establishments.
- E. Research laboratories and product testing centers.
- F. Essential service buildings.

- G. Trade and industrial schools.
- H. Tool and die manufacturing.
- I. Central dry-cleaning plants.
- J. Mini-warehouses.
- K. Other land uses determined by the Planning Commission to be substantially similar in nature to the listed permitted uses.

#### **SECTION 190.1302 ACCESSORY USES PERMITTED**

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted.

#### **SECTION 190.1303 SPECIAL LAND USES**

Upon approval by the Planning Commission, and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Retail sales incidental to any permitted principal use.
- B. Gasoline service station.
- C. Commercial garage.
- D. Financial institutions with drive-through facilities.
- E. Restaurants, including those with drive-through facilities.
- F. Industrial incinerators.
- G. Open storage of industrial-related materials.
- H. Wind energy harvest site; wind turbine generator for on-site service only.

#### **SECTION 190.1304 SITE DEVELOPMENT STANDARDS**

- A. Off-street parking and loading areas shall be provided in accordance with the requirements of Chapter 19.
- B. Signs shall be provided in accordance with requirements of Section 190.321.
- C. A site development plan and approval thereof, is required under Chapter 17.

#### **SECTION 190.1305 OPERATIONAL REQUIREMENTS**

The following requirements shall apply to all industrial uses:



- A. Uses shall be conducted in completely enclosed buildings, except that outdoor storage yards are permitted if completely enclosed by a solid fence or masonry wall not less than four feet nor greater than eight feet in height, with solid gates at points of entrance and exit.
- B. Noise emanating from a use permitted in this district shall not exceed the noise level on average commercial streets within the Village.
- C. Uses shall be designed and operated so as to avoid adverse effects on other lands or streets by reason of smoke, fumes, dust, glare, vibration, odor, radioactive emissions, heat or other adverse effects.
- D. Wastewater and all industrial waste or unuseable byproducts shall be disposed of and treated by means of the public sanitary sewer system, if such disposal and treatment is permitted by Village ordinance, but otherwise all such wastes shall be disposed of only in a manner that produces no adverse effects on the lands where the use is located or on other lands or streets.

#### **SECTION 190.1306 MINIMUM LOT AREA**

Refer to Schedule B, Chapter 15.

#### **SECTION 190.1307 MINIMUM LOT WIDTH**

Refer to Schedule B, Chapter 15.

#### **SECTION 190.1308 MAXIMUM LOT COVERAGE**

Refer to Schedule B, Chapter 15.

#### **SECTION 190.1309 MINIMUM YARD DIMENSIONS**

Refer to Schedules B, C and D, Chapter 15.

#### **SECTION 190.1310 MAXIMUM BUILDING HEIGHT**

Refer to Schedule B, Chapter 15.

#### **SECTIONS 190.1311-1399 (RESERVED)**



## **CHAPTER 13A**

### **RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**

#### **SECTION 190.1300A. DESCRIPTION AND PURPOSE**

This chapter is intended to authorize greater flexibility, creativity and design in the development of lands used for residential purposes, through the establishment of pre-planned areas in accordance with plans approved by the Village under the requirements and procedures of this chapter.

#### **SECTION 190.1301A. AUTHORIZATION**

A Planned Unit Development (“PUD”) shall be approved by an ordinance which amends the zoning map and specifies terms and conditions of approval of the PUD. An approving ordinance, including all aspects of the final plan and conditions imposed on the development, shall be considered as part of the zoning ordinance, although it need not be incorporated into the codified ordinances of general application. Violation of any provision of a planned unit development ordinance shall be a violation of the zoning ordinance.

#### **SECTION 190.1302A. ELIGIBILITY FOR PUD REZONING**

- A. Lands proposed for PUD rezoning shall have an area of at least five contiguous acres.
- B. A proposed PUD shall satisfy all of the following minimum requirements:
  - (1) The PUD shall result in substantial benefit to the users of the development and to the Village.
  - (2) The PUD shall not result in a significant increase in the need for public services and facilities and shall not place a significant burden upon surrounding lands or the natural environment, unless any resulting adverse effects are adequately provided for or are mitigated by features of the PUD as approved.
  - (3) The PUD shall be compatible with the Village Master Plan and consistent with the intent and purposes of this chapter.

#### **SECTION 190.1303A. LAND USES**

Land, building and structures in the Residential Planned Unit Development District shall be used only for the permitted uses stated in the R-1 Single Family Residential District, the R-2 Single and Two Family Residential District, the R-3 Moderate Density Multiple Family Residential District, and the R-4 High Density Family Residential District.

## **SECTION 190.1304A. APPLICATION AND REVIEW PROCEDURES**

- A. **Optional Preapplication Conference.** Before submitting an application for a PUD, the applicant may meet with the Planning Commission to submit information regarding the proposed PUD and to confer with the Planning Commission about any proposed application and the PUD.
- B. **Preliminary Development Plan.**
  - (1) An applicant for PUD rezoning shall submit 12 copies of a preliminary development plan of the development which contains the following information:
    - (a) Legal description of the lands and the street address thereof.
    - (b) Area of the PUD lands.
    - (c) A narrative describing:
      - (i) The nature of the project.
      - (ii) The proposed density, number, and types of dwelling units.
      - (iii) A statement describing how the proposed PUD meets the objectives of the PUD District.
      - (iv) Proof of ownership or legal interest in the PUD lands.
    - (d) Location sketch of the site in relation to surrounding and nearby lands.
    - (e) Date, north arrow and scale which shall not be more than 1"=100'.
    - (f) All lot lines or other property lines, with dimensions.
    - (g) Existing and proposed topographical contours with a minimum of five foot intervals.
    - (h) Location of existing natural resources, including existing vegetation, drainage courses, wetlands, lakes, streams and other bodies of water and all areas within the 100-year flood plain.
    - (i) Existing zoning and land use of the proposed site and adjacent and nearby lands.
    - (j) Location, size and type of all existing and proposed buildings and structures.

- (k) Location of all existing structures within 100 feet of the property lines.
  - (l) Location of proposed landscaping, buffering and screening.
  - (m) Location and dimensions of all existing and proposed streets, driveways and parking areas.
  - (n) Location of proposed facilities for management and control of storm water drainage, including proposed detention and/or retention areas, drainage flow areas, storm sewers and other facilities.
  - (o) Location and nature of facilities for water supply and sanitary sewer service.
  - (p) Size and location of all areas devoted to open space.
  - (q) Statement of all uses that are to be conducted on the lands and the location of all such uses.
  - (r) Location and description of existing and proposed signs and exterior lighting.
  - (s) Proposed restrictive covenants, if any, for the development.
- (2) If required by the Planning Commission, the preliminary development plan shall include additional information reasonably necessary for the review and consideration of the proposed development and the effects thereof. Such other information may include a traffic impact analysis, environmental impact statement, economic studies and other relevant data and background information.
  - (3) The Planning Commission may, in addition, require that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commissioner, Department of Natural Resources, Department of Environmental Quality, Department of Transportation and other governmental agencies regarding possible or likely effects of the proposed PUD on matters within their respective jurisdictions.

C. **Review of Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended changes thereof. The recommendations shall be based upon the requirements of this chapter.

D. **Advisory Public Hearing.** In the course of its consideration of the preliminary development plan, the Planning Commission may, but is not required to, convene

an advisory public hearing to receive public comments concerning the preliminary development plan. Informal notice of such advisory hearing shall be given in the manner provided in Section 190.2306. Failure to give notice of such an advisory public hearing shall not affect the validity of the proceedings.

- E. **Final Development Plan.** After receiving the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit 12 copies of a final development plan to the Village. The final development plan shall contain the information required for a preliminary development plan and shall address other matters requested by the Planning Commission. Copies of the final development plan and an application for PUD rezoning shall be forwarded to the Planning Commission. The plan shall also state the projected time for completion of the PUD, any proposed phasing of the PUD, and the projected time for completion of each phase.
- F. **Public Hearing on Final Development Plan.** The Planning Commission may choose to hold a public hearing on the final development plan and the application for rezoning. If such a hearing is held, notice of the hearing shall be given in the manner provided in Section 190.2306 of this zoning ordinance.
- G. **Recommendation by Planning Commission.** After public hearing, the Planning Commission shall recommend to approve, deny or approve with conditions the rezoning of the lands in accordance with the final development plan. The recommendation shall be forwarded to the Village Council.
- H. **Consideration by Village Council.** After receiving the recommendation of the Planning Commission, the Village Council shall hold a public hearing on the final development plan and the application for rezoning. Notice of this hearing shall be given in the manner provided in Section 190.2306 of this zoning ordinance. After completion of the public hearing, the Village Council may proceed to approve, deny or approve with conditions the rezoning of the lands in accordance with the final development plan. A building permit shall not be issued until the Village Council has approved the final development plan and the rezoning has become effective.
- I. **Conditions of Approval.** The Village Council may impose reasonable conditions upon its approval of a PUD, so as to protect the environment and conserve natural resources and energy, to ensure compatibility with adjacent use of lands, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  - (1) They shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed development, the landowners in the vicinity of the development and the community as a whole.
  - (2) They shall be related to the valid exercise of the Village's regulatory authority.

- (3) They shall be consistent with the intended purposes of this zoning ordinance and be necessary to ensure compliance with the standards established in this chapter.

#### **SECTION 190.1305A. DESIGN AND DEVELOPMENT REQUIREMENTS**

The following minimum design and development standards and requirements shall apply to a Residential Planned Unit Development:

- A. The maximum building density per acre of land in the PUD shall be as approved by the Planning Commission and Village Council.
- B. Building setback requirements shall conform to such requirements as stated in the R-1 District or the R-2 District, except that lesser building setbacks may be permitted based upon the natural features of the site, particular aspects of the proposed uses or other land use considerations.
- C. The height of principal buildings and structures shall not exceed 35 feet; the height of accessory buildings shall not exceed 18 feet.
- D. The Planning Commission and Village Council may require that a portion of the gross site area be preserved and maintained as common open space.
- E. Streets, building locations, vehicle parking areas, pedestrian ways and utility easements shall be designed to promote public safety and compatibility of land uses.
- F. There shall be adequate and convenient access for fire and other emergency vehicles.
- G. Driveways and circulation roadways shall be designed to minimize traffic and congestion within the PUD.
- H. Grading within the PUD shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land or upon adjacent and nearby lands.
- I. Public water supply and public sanitary sewer service shall be provided.
- J. There shall be adequate and effective storm water drainage systems, subject to the approval of the Village's engineers.
- K. The placement of signs, and the area, height, nature and type thereof, and other aspects of any signs within the PUD, shall be as determined by the Planning Commission and Village Council.

## **SECTION 190.1306A. AMENDMENTS IN THE PUD**

- A. An approved final development plan and any conditions imposed upon final PUD approval shall not be changed except as provided in this section.
- B. A minor amendment in a PUD may be approved by the Planning Commission, at a public meeting thereof, without special notice or public hearing.

The following items shall be considered to be minor amendments:

- (1) Reduction of the size of any building, structure or sign.
  - (2) The minor relocation or adjustment in the placement of buildings or other structures.
  - (3) Changes in floor plans which do not alter the character of the use.
  - (4) Internal rearrangement of parking areas, if it does not affect the number of parking spaces or alter the design or location of parking area access.
  - (5) Changes required by the Village for safety reasons.
  - (6) Other similar changes of a minor nature to the configuration, design, layout or topography of the development plan if the Planning Commission determines the change(s) is not material or significant in relation to the entire site and that the change(s) will not have a significant adverse effect upon adjacent or nearby lands or the public interest.
- C. If a proposed amendment or other modification in an approved PUD is not a minor amendment, then such amendment shall be a major amendment. Major amendments shall be considered by the Planning Commission and the Village Council in the same manner and under the same procedures as an original application for PUD approval and rezoning.

## **SECTION 190.1307A. PERFORMANCE GUARANTIES**

- A. The Village Council, after recommendation by the Planning Commission or in its own discretion, may require reasonable performance guaranties to assure the completion of a proposed PUD or portions thereof. Performance guaranties shall be conditioned upon timely and faithful compliance with all of the terms and conditions of the PUD.
- B. Such performance guaranties may be in the form of a cash deposit, performance bond, letter of credit, or other satisfactory written assurance. In the case of performance guaranties involving sureties or guarantors, such sureties or guarantors shall be satisfactory to the Village Council.



- C. The Village Council, after recommendation by the Planning Commission, or in its own discretion, may rebate or refund a proportionate share of the amount specified in a performance guarantee based upon the portion of the required improvements that have been satisfactorily completed.

#### **SECTION 190.1308A. TIME LIMITATIONS ON DEVELOPMENT**

Each PUD shall be under construction within one year of the date that the Village Council approves the rezoning in accordance with the final development plan. The Planning Commission may in its discretion grant an extension not exceeding one year, if the PUD applicant submits reasonable evidence establishing that unforeseen difficulties or other special circumstances have been encountered. If a PUD has not been commenced within the required period of time, or within any authorized extension thereof, no building permits for the PUD or any part thereof shall be issued. In such a case, the Planning Commission and Village Council may initiate proceedings for the rezoning of the lands to some other zoning district.

#### **SECTIONS 190.1309A – 190.1399A (RESERVED)**



## **CHAPTER 14**

### **NR - NATURAL RESOURCES DISTRICT**

#### **SECTION 190.1400 PURPOSE**

This district provides for the protection of undeveloped natural areas and streams and other water courses within the Village, and in particular including the Crockery Creek watershed. The regulations of this district are designed to limit or avoid land uses that are incompatible with the natural environment; and to protect the volume and quality of surface water and ground water resources.

#### **SECTION 190.1401 PRINCIPAL USES PERMITTED**

Land within this district may be used and buildings, structures, or other improvements may be erected, altered, enlarged, or used for one or more of the following purposes:

- A. Harvesting of wild crops.
- B. Hunting, fishing, and trapping.
- C. Sustained yield forestry.
- D. Essential services.
- E. Public or community water well and pumping station sites.
- F. Public park and recreational uses and facilities

#### **SECTION 190.1402 ACCESSORY USES PERMITTED**

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted. Accessory buildings and structures shall not be placed in any locations where they may interfere with the flow of surface waters or where they may cause or contribute to the erosion of stream banks or have other adverse effects on land or water resources.

#### **SECTION 190.1403 SPECIAL LAND USES**

Upon approval by the Planning Commission, and subject to the provisions of Chapter 16, the following special land uses may be established:

- A. Trails.
- B. Park and recreational uses and facilities.
- C. Essential service buildings.

**SECTION 190.1404 HEIGHT**

Refer to Schedule B, Chapter 15.

**SECTION 190.1405 LOT AREA AND COVERAGE**

Refer to Schedule B, Chapter 15.

**SECTION 190.1406 YARDS**

Refer to Schedule B, Chapter 15.

**SECTIONS 190.1407 ACCESSORY BUILDINGS**

Refer to Schedule D, Chapter 15.

**SECTIONS 190.1408 – 190.1499 (RESERVED)**

## **CHAPTER 15**

### **SITE DEVELOPMENT STANDARDS**

#### **SECTION 190.1500 INTENT**

This article sets forth site development standards for each zoning district and all permitted and special uses therein.

#### **SECTION 190.1501 SITE DEVELOPMENT STANDARDS FOR ALL BUILDINGS AND STRUCTURES**

The following Schedules A through E contain site development standards for principal and accessory buildings and structures in all zoning districts contained within the ordinance.

Schedules A through E are adopted as a part of this Ordinance and shall have the same force and effect as though written out as text within this Ordinance.

In the event of any conflict between provisions written in text of this Ordinance and the content of Schedules A through E, the provisions within the text shall apply.

**SCHEDULE A**  
**SITE DEVELOPMENT STANDARDS FOR THE R-1 - R-5 ZONING DISTRICTS**

SITE DEVELOPMENT STANDARD	USE	ZONING DISTRICT				
		R-1 <sup>(1)</sup>	R-2 <sup>(1)</sup>	R-3	R-4	R-5 <sup>(2)</sup>
Minimum Net Lot Area	Single Family Two Family Multiple Family	20,000 SF	12,500 SF	12,500 SF 25,000 SF 6,000 SF/Unit <sup>(2)</sup>	N.A. 25,000 SF 3,000 SF/Unit <sup>(2)</sup>	
Minimum Lot Width	Single Family - Interior Lot Corner Lot Two Family - Interior Lot Corner Lot Multi-Family - Interior Lot Corner Lot	70 Ft. 90 Ft.	60 Ft. 80 Ft. 80 Ft. 100 Ft.	60 Ft. 80 Ft. 80 Ft. 100 Ft. 100 Ft. 120 Ft.	N.A. N.A. 80 Ft. 100 Ft. 100 Ft. 120 Ft.	
Minimum Required Setbacks for Principal Buildings	Single Family – Front Side Rear  Two Family – Front Side Rear  Multi-Family – Front Side Rear	35 Ft. 10 Ft. each side 25 Ft.	35 Ft. 10 Ft. each side 25 Ft.	35 Ft. 10 Ft. each side 20 Ft.	N.A. N.A. N.A.  35 Ft. 10 Ft. each side 20 Ft.  35 Ft. 20 Ft. each side 20 Ft. 35 Ft.	
Maximum Lot Coverage	All Uses	30%	30%	40%	40%	
Minimum Floor Area Per Dwelling Unit	Single Family - One Story 1 1/2 Story 2 Story Split/Bi-Level Two Family (where permitted) Multiple Family (where permitted)	900 Square Ft. at Grade 750 Square Ft. at Grade 700 Square Ft. at Grade 900 Square Ft. Above Grade 700 Square Ft. Per Dwelling Unit 500 Square Ft. Per Dwelling Unit				
Maximum Building Height	All Uses	30 Ft.	30 Ft.	35 Ft.	35 Ft.	
Minimum Building Width	All Uses	20 Ft.	20 Ft.	20 Ft.	20 Ft.	
(1) Where no entry appears in any of the zone district columns, the use is not a permitted use in that district. (2) The minimum Net Lot Area for any Multiple Family Building is 20,000 Square Ft. (3) The site development standards for the R-5 District are stated in Chapter 9.						

## SCHEDULE B

### SITE DEVELOPMENT STANDARDS FOR THE OFFICE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

SITE DEVELOPMENT STANDARD	O	ZONING DISTRICT				
		C-1	C-2	C-3	I	NR
Minimum Net Lot Area	15,000 SF	5,000 SF	20,000 SF	1 Acre	1 Acre	1 Acre
Minimum Lot Width	100 Feet	50 Feet	90 Feet	150 Feet	150 Feet	150 Feet
Minimum Required Setbacks for Principal Buildings .....						
Side						
Rear						
	30 Feet	(1)	50 Feet	75 Feet	75 Feet	75 Feet
	15 Feet each side	(2)	20 Feet each	25 Feet each	25 Feet each	25 Feet each
	30 Feet	(3)	side	side	side	side
			35 Feet	25 Feet	25 Feet	25 Feet
Maximum Lot Coverage	40%	80%	50%	40%	40%	10%
Maximum Building Height	30 Feet	35 Feet	35 Feet	35 Feet	35 Feet	35 Feet
(1) Front setback shall be the average established setback of commercial buildings within the same block (but if no commercial buildings within the block, then no setback required).						
(2) No setback required, except side yard abutting or facing residential district shall be 25 Feet.						
(3) No setback required, except rear yard abutting or facing residential district shall be 35 Feet.						

## SCHEDULE C

### MINIMUM SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS UNDER CERTAIN CONDITIONS

Condition: When Zoning District in Column "A" Abuts Zoning District in Column "B"		Required Setback from Abutting Lot Line for Principal Buildings in Zoning District in Column "A"	
A		B	
Office or Commercial Zoning District	ABUTS	R-1, R-2 or R-3	50 Feet
Industrial Zoning District	ABUTS	R-1, R-2, R-3, R-4 or R-5	100 Feet
Multiple Family Building in R3 or R4	ABUTS	R-1, R-2, or R-3	50 Feet

## SCHEDULE D

### SITE DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS IN ALL ZONING DISTRICTS

SITE DEVELOPMENT STANDARD	ZONING DISTRICT										
	R-1	R-2	R-3	R-4	R-5 <sup>(3)</sup>	O	C-1	C-2	C-3	I	NR
Maximum Building Size Accessory To: Single Family Dwelling	(1)	(1)	(1)	(1)		None					
Two Family Dwelling	(1)	(1)	(1)	(1)							
Multiple Family Dwelling	(1)	(1)	(1)	(1)							
Minimum Required Setbacks for Accessory Buildings											
Front	35 Ft.	35 Ft.	35 Ft.	35 Ft.		30 Ft.	None	(4)	75 Ft. or <sup>(5)</sup>	75 Ft.	25 Ft.
Side	5 Ft. each side	5 Ft. each side	5 Ft. each side	5 Ft. each side		10 Ft. each side	None	10 Ft. each side	10 Ft. each side	25 Ft. each side	25 Ft. 25 Ft.
Rear	5 Feet	5 Feet	5 Feet	5 Feet		20 Ft.	None	30 Ft.	30 Ft.	25 Ft.	
Maximum Building Height	18 Ft.	18 Ft.	18 Ft.	18 Ft.	18 Ft.	(2)	(2)	(3)	(2)	(2)	18 Ft.
<p>(1) The total area of the first floor of an accessory building shall not exceed 1,000 square feet; provided, however, as to any parcel in the R-1 or R-2 District, if such parcel is not less than 20,000 square feet in size, the accessory building may exceed 1,000 square feet, but shall not exceed 1,600 square feet. No accessory building shall exceed 20 feet in height. Moreover, for any such accessory building exceeding 1,000 square feet, the side and rear setbacks shall be 10 feet, rather than 5 feet. An accessory building must be no less than ten (10) feet from any other building located on the same property. As to any district, no more than two accessory buildings shall be permitted on a parcel of land, except accessory buildings being used in bona fide farming operations.</p> <p>(2) Not to exceed the height of the principal building; however, architectural features listed in Sec. 190.129 shall not be used to determine principal building height.</p> <p>(3) Site development standards for the R-5 District are stated in Chapter 9.</p> <p>(4) Front setback shall be the average established setback of existing principal buildings within the same block.</p> <p>(5) May be reduced to be at least the average established setback of existing principal buildings within the same block.</p>											



## **CHAPTER 16**

### **SPECIAL LAND USES**

#### **SECTION 190.1600 INTENT AND PURPOSE**

Uses allowed as special land uses are those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests for authorized special land uses, and for imposing conditions upon such uses.

#### **SECTION 190.1601 APPLICATION FOR SPECIAL LAND USE**

- A. An applicant, who owns the subject property or who has an interest therein, may file an application for a special land use.
- B. The applicant shall submit the following to the Zoning Administrator:
  - (1) A completed application form, on a form provided by the Village office.
  - (2) At least ten copies of a site plan complying with the provisions of Chapter 17.
  - (3) Such other information and materials either requested by the Planning Commission or necessary or appropriate to demonstrate that all requirements for the special land use have been or will be complied with.

Such additional information and materials may include, but are not necessarily limited to a traffic impact study; environmental impact assessment; information on expected impact on the community public service facilities; storm water management plan; and other plans or studies bearing upon the operation and effects of the special land use.
  - (4) Payment of the application fee specified by Village Council resolution.

#### **SECTION 190.1602 PROCEDURES FOR ALL SPECIAL LAND USE**

- A. The applicant shall submit to the Planning Commission, through the Village Clerk, an application which shall include a required site plan (See Chapter 17) and written evidence and drawings showing that all of the requirements for the applicable special use are met.
- B. Upon receipt of such application, one notice of a hearing on the special land use request shall be delivered and published in accordance with Section 190.2306 of this Ordinance.

- C. A public hearing shall be held by the Planning Commission before a final decision is made regarding the application.
- D. Reasonable conditions may be attached to the approval of a special land use. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to ensure reasonably-shaped and buildable lots or parcels (where applicable), to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  - (1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - (2) Be related to the valid exercise of the police power, and purpose which are affected by the proposed use or activity.
  - (3) Be necessary to meet the intent and purpose of the zoning ordinance and Master Plan, be related to the standards established in the ordinance for the land use or activity under consideration and help insure compliance with those standards.
- E. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner after a public hearing, notice of which was given in the same manner as the original hearing. The approving Planning Commission shall maintain a record of conditions which are changed.
- F. Before granting a special land use, in addition to finding that all of the previously stated requirements have been satisfied (as well as other applicable requirements stated elsewhere in this Ordinance), the Planning Commission must find that:
  - (1) The special land use will not adversely affect adjacent uses or properties and shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent properties in the surrounding area.
  - (2) The special land use shall not change the essential character of the surrounding area or the neighborhood.
  - (3) The special land use shall not place demands on public services, roads and facilities in excess of their current capacities.

- (4) The proposed special land use shall be harmonious and consistent with the intent of the Village Zoning Ordinance and Master Plan.
- (5) The proposed special land use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Village Zoning Ordinance and Master Plan.
- (6) The special land use shall be designed to preserve environmental features, such as lakes, streams, flood plains, agricultural areas and natural areas.

## **SECTION 190.1603 CONDUCTING OF SPECIAL LAND USES**

### **A. Conducting of a Special Land Use.**

- (1) A special land use shall be commenced within one year after its date of approval, unless during such period of time a written application for an extension has been filed with the Village. In the absence of any filing of application for extension during such time, the special land use shall be null and void and all rights thereunder shall terminate.
- (2) The Planning Commission may grant an additional period of one year for the commencement of a special land use, if an application for such extension is filed during the first year after approval was granted. Such extension shall be granted, however, only where it is shown that there is a reasonable likelihood of the commencement of construction, or other work toward commencement of the use, during the extension period.
- (3) A special land use which ceases to be conducted or operated for a period of 180 days shall be considered abandoned, and the special land use shall thereupon be null and void and all rights thereunder shall terminate.

### **B. Resubmittal of Application.** No application for a special land use which has been denied in whole or in part shall be resubmitted to the Village, except on the grounds of changed circumstances or conditions, as compared to those existing at the time of the denial of the use.

### **C. Amendments in Special Land Uses.**

- (1) A change in the terms of a special land use is either a major change or a minor change. A minor change shall be a change which is not material or significant in relation to the nature or effects of the special land use, nor shall it include any change in the conditions under which the use was approved. Any other change in a special land use shall be a major change.
- (2) A major change in a special land use shall be approved only by the Planning Commission, and such approval shall take place only after public hearing and public notice, in the same manner and to the same extent as is required for initial approval of the use.

- (3) A minor change shall be approved only by the Planning Commission at a public meeting, but public hearing and special public notice shall not be required.

#### **SECTION 190.1604 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The general standards and requirements of Section 190.1603.A(1-5) apply to all special land uses. Section 190.1605 of this chapter identifies minimum requirements which shall be complied with by particular special land uses, in addition to the general standards and requirements.

#### **SECTION 190.1605 MINIMUM REQUIREMENTS FOR AUTHORIZED SPECIAL LAND USES**

##### **A. Bed and Breakfast Establishment.**

- (1) The bed and breakfast establishment shall be adequately serviced by water supply and wastewater disposal facilities.
- (2) The establishment shall be located on land with direct access to a paved public road.
- (3) The use shall be located only in the R-1 or R-2 District, but it shall not be established in any two family or multiple family dwelling.
- (4) One parking space per room available for rent shall be provided on the premises, in addition to the parking required for a single family dwelling. The parking shall be located so as not to pose negative impact on adjacent properties. The Planning Commission may require screening of the parking area, using standards set forth in Chapter 19.
- (5) Kitchen facilities are permitted, but must comply with building code and state health department requirements for fire safety and public health.
- (6) Additions or exterior modifications to a structure for the purpose of accommodating additional guests shall be prohibited. Modifications may be permitted to accommodate handicapped persons or to comply with building, fire and public health codes.
- (7) Exterior solid waste storage facilities beyond those needed for a single family dwelling are prohibited.
- (8) One sign shall be permitted, not to exceed six square feet in display area. The sign may not be illuminated. The sign shall be set back from the nearest right-of-way line a minimum of 25 feet and shall not exceed three feet in height.

- (9) The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, who shall live on the premises.
- (10) Retail and service uses shall be prohibited within a bed and breakfast establishment, including but not limited to gift shop, antique shop, restaurant, bakery or apparel sales.
- (11) Meals may be served only to overnight guests, employees or resident family members. A separate fee or charge for meals is prohibited.

**B. Church or Other House of Worship.**

- (1) The use shall be located only in the R-1, R-2, R-3 and R-4 Districts.
- (2) The special land use shall be located on a parcel of land having such area as approved by the Planning Commission. Safe, adequate and convenient access from a public street shall be provided.
- (3) Adequate off-street parking area shall be provided.
- (4) Steeples, spires and roof ornamentation in excess of the height permitted in the zoning district in which the church or other house of worship is located are permitted if approved by the Planning Commission.
- (5) A nursery school or child care center may be operated on church property if approved by the Planning Commission as a part of the special land use approval. Appropriate registration or licensing of the nursery school or child care center shall be provided, if required by law.

**C. Commercial Garage.**

- (1) The special land use shall be available only in the C-2 and C-3 Districts.
- (2) All equipment and activities associated with vehicle repair shall be within an enclosed building, except air and water hoses.
- (3) Inoperative vehicles left overnight on premise shall be stored within an enclosed building or in an outdoor area enclosed by an opaque fence not less than six feet in height.
- (4) There shall be no outdoor storage of loose auto body parts, mechanical or engine parts, tires, trash, supplies, equipment, used motor oil, and other materials.
- (5) If retail sales of convenience grocery and other goods are conducted on the premises, parking for such uses shall be required in addition to parking spaces required for gasoline islands and related activities.

- (6) Canopy roofs shall not be permitted to encroach into any required yard.

**D. Commercial or Public Antennas and Towers and Certain Noncommercial Antennas and Towers.** Commercial or public antennas and towers for communications, radio or television, unless exempt under other provisions of this Ordinance, and noncommercial or non-public antennas and towers subject to special land use approval, may be approved by the Planning Commission as a special land use upon compliance with all of the following requirements:

- (1) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
- (2) No part of the antenna or tower shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.
- (3) Any such antenna or tower shall be located only in a rear yard or side yard, Unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.
- (4) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission, unless it is exempt under Section 190.310.
- (5) The antenna or tower shall not be so located, constructed or used so as to have a serious adverse effect on adjacent or nearby land uses.
- (6) The antenna or tower and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
- (7) Antennas and towers for commercial or public telecommunications services, including cellular telephone antennas and towers, shall unless otherwise exempt comply with all of the following requirements:
  - (a) Telecommunications antennas may be required by the Planning Commission to be located on an existing approved tower or other structure if such location is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed antenna and other relevant factors.
  - (b) A proposed tower for telecommunications services may be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and also equipment for at least four additional users. The Planning Commission may

require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.

- (c) Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.
  - (d) The Planning Commission may require that telecommunications towers not be illuminated, unless required by state or federal agencies having jurisdiction. No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.
  - (e) The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.
  - (f) Towers for telecommunications services which are abandoned or unused shall be entirely removed, including foundations, along with any associated buildings, structures or equipment within six months of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to accomplish its removal.
- (8) The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:
- (a) The screening or buffering of an antenna or tower and any accessory buildings or structures.
  - (b) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures.
  - (c) The prohibition on the construction or occupancy of dwellings or other buildings or the construction and use of other structures on

the lands where the antenna or tower is located, or within a specified isolation distance from the antenna or tower.

- (d) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower; the reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of an antenna or tower or accessory buildings or structures.
- (9) This section shall also apply to other antennas and towers that are not otherwise provided for in this Ordinance and that are not exempt under other provisions hereof.
- (10) Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antenna may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna.

**E. Contractor Establishments.**

- (1) Contractor establishments are an authorized special land use in the R-3, R-4, C-2 and C-3 Zoning Districts, subject to the requirements of this section.
- (2) Adequate, safe and convenient driveways for the ingress and egress of construction and other contractor equipment shall be provided.
- (3) All operations and storage shall take place in a completely enclosed building or be fully enclosed by an opaque fence not less than six feet in height.
- (4) All storage areas shall comply with the same setback requirements that are applicable to principal buildings and structures in the zoning district.
- (5) Adequate landscaping, buffering, or other features shall be provided to ensure that the use is reasonably compatible with adjacent and nearby land uses.
- (6) The Planning Commission may include conditions for the purpose of avoiding adverse effects on other lands, such as measures for control of noise, dust and the like and similar protective provisions.



**F. Conversion of Existing Single Family Dwelling to a Two, Three or Four-Family Dwelling.**

- (1) The dwelling shall be located only in the R-3 and the R-4 Districts.
- (2) There shall be adequate off-street parking area for the motor vehicles used by residents of the proposed multiple family dwelling.
- (3) The dwelling proposed to be converted to a two, three or four-family dwelling shall be located such that, when so converted and used, it will have no serious adverse effects on adjacent or nearby single family dwellings.

**G. Educational Facility.**

- (1) The use shall be available only in the R-1, R-2, R-3 and R-4 Districts.
- (2) Driveway access shall be directly from a major street or county primary road. A minimum curb radius of 40 feet shall apply where the driveway meets the public road.
- (3) Parking areas shall be subject to a required minimum setback from any property line of 40 feet and shall be effectively screened by a buffer strip on any side facing or abutting existing residential uses.
- (4) Storage of equipment or parking of buses shall not occur closer than 50 feet to any property line and shall be screened by an opaque fence not less than six feet in height.

**H. Essential Service Buildings.**

- (1) The use shall be available only in the R-1, R-2, R-3 and R-4 Districts.
- (2) Special land use approval is required only when the building or structure has a gross floor area in excess of 100 square feet.
- (3) All structures and buildings above average lot grade shall be generally compatible in design and materials with any dwelling located on adjacent lands.
- (4) All parking, storage, open equipment and buildings or structures which cannot be constructed in a design or with materials that are generally compatible with adjacent buildings, shall be screened by a fence, wall or earth berm and landscaping as determined by the Planning Commission.

I. **Gasoline Service Station.**

- (1) The special land use shall be available only in the C-1 and C-2 Districts.
- (2) Gasoline pump islands may not be located in any required setback area.
- (3) Canopy structures above pump islands shall not extend over any required setback area.
- (4) Any gasoline service station accompanied on the same lot or parcel by a grocery convenience store shall provide parking for both uses as required in this Ordinance, but spaces at pump islands may be counted toward the required number of parking spaces.

J. **Child Care Facilities, Group Homes, Nursing Homes and Other State Licensed Residential Facilities.**

- (1) Requirements for group homes and care homes permitted as a special land use under Sections 190.503.F (R-1), 190.603.F (R-2), 190.703.F (R-3), 190.803.F (R-4), 190.1003.J (C-1) and 190.1103.P (C-2). A facility of this type shall be permitted as a special land use in the foregoing districts if the following conditions are satisfied:
  - (a) **Lot Size.** The lot size shall be not less than the minimum lot size applicable in the district in which the facility is located.
  - (b) **Parking.** Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
  - (c) **Fire Chief and Health Department Approvals.** The facility shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.
  - (d) **Fencing.** All outdoor play areas shall be enclosed by a chain link fence or solid fence of at least four feet in height, which shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.
  - (e) **Operating Hours.** Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.

- (f) **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.
- (g) **Signs.** Signs shall conform to the sign regulations applicable in the district in which the facility is located.
- (h) **Licensing.** The facility shall be registered and licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended.
- (i) **Outdoor Play Area.** A child care center or other facility offering services to more than six minors shall provide and maintain an outdoor play area of not less than 5,000 square feet. The area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or a solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of the property. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.
- (j) **Refuse Collection.** All refuse collection facilities shall be screened from view by adequate fencing.
- (k) **Distance Between Facilities.** A home or facility seeking approval under this section shall not be located within 1,500 feet of any existing child care facility, group home or other facility described in this section.

(2) Requirements for nursing homes, homes for the aged, those state licensed residential facilities serving more than 12 persons permitted as special land uses under Sections 190.703.G, 190.803.G, 190.1003.K and 190.1103.Q and facilities licensed for the care and treatment of persons released from or assigned to adult correctional facilities. A facility under this section may be permitted in the foregoing districts if the following conditions are satisfied:

- (a) **Lot Size.** The minimum lot size shall be calculated by multiplying the number of persons approved for capacity of the facility by 5,000 square feet, but in no event shall the minimum lot size be less than two acres.

- (b) **Parking.** Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
- (c) **Setbacks.** No part of the facility building or buildings may be closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; and will not materially impair the intent and purpose of this Ordinance or the public's interest. In modifying such setback requirements, the Planning Commission may attach conditions regarding the location, character, landscaping or treatment of the buildings or premises or other such matters as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the public's interest.
- (d) **Building Size.** The building must provide for each tenant, elderly or retired person or minor in the building or buildings so used a minimum floor area exclusive of basement or attic space of 250 square feet.
- (e) **Fire Chief and Health Department Approvals.** The child care facility shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.
- (f) **Fencing.** All outdoor play areas shall be enclosed by a chain link fence or solid fence of at least four feet in height, which shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.
- (g) **Operating Hours.** Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
- (h) **Outdoor Play Area.** A child care center or other facility offering services to more than six minors shall provide and maintain an outdoor play area of not less than 5,000 square feet. The area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or a solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a

height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of a property, or it may require a larger play area for larger facilities. In making its determination regarding the size of the play area, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.

- (i) **Refuse Collection.** All refuse collection facilities shall be screened from view by adequate fencing.
  - (j) **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.
  - (k) **Signs.** Signs shall conform to the sign regulations applicable in the district in which the facility is located.
  - (l) **Licensing of Facilities.** Homes for the aged shall be registered and licensed as required under Part 213 of the Public Health Code, MCL 333.21301 *et seq.*, as amended. Nursing homes shall be registered and licensed as required under Part 217 of the Public Health Code, MCL 333.21701 *et seq.*, as amended.
  - (m) **Impact on Neighborhood.** The facility shall be harmonious with the character of the neighborhood and shall not have a negative impact on or injure nearby properties or the use and enjoyment of nearby properties.
- (3) Child Care Center as Accessory Use. A child care center or day care center (a “child care facility”) may be permitted as an accessory use for a church, nursing home, home for the aged or a business, subject to review and approval by the Planning Commission according to the requirements provided for special land uses by this chapter and the standards provided in Section 190.1605.J(2), and subject to all of the following additional conditions and requirements.
- (a) The child care facility may receive infants, pre-school and elementary school age children for care (including, without limitation, supervision, training or educational instruction) for periods of less than 24 hours per day.
  - (b) The child care facility shall provide care primarily to children of employees of the facility while those employees are engaged in carrying out their employment with the facility. The requirements of this paragraph shall be deemed satisfied so long as preference in admission to the facility shall be given to children of employees

prior to the admission of any children of persons who are not employees of the facility. This paragraph shall not apply to churches.

- (c) The principal functions of the child care facility accessory to a nursing home or home for the aged shall be to provide opportunities for the interaction of, and to foster an inter-generational relationship between, the elderly residents of the facility and the children attending the child care facility, and to provide child care for the children of employees of the facility. The principal function of a child care facility accessory to a business shall be to provide child care for the employees of the business.
- (d) The child care facility shall be located on the same property as the home, church or business to which the child care facility is accessory.
- (e) The child care facility shall provide appropriate fencing, child drop-off and pick-up areas, and other facilities, design elements and operational characteristics for the safety of the children attending the child care facility, as determined necessary by the Planning Commission.
- (f) The child care facility shall be registered and licensed as required for “child care centers” or “day care centers” under the Child Care Organizations Act (Act 116 of the Public Acts of 1973, as amended).
- (4) Planning Commission Modifications. The Planning Commission may modify the requirements of this Section 190.1605.J in circumstances where it determines that the facility as modified will be harmonious with the character of the neighborhood and will not have a negative impact on or injure nearby properties or the use and enjoyment of nearby properties. The Planning Commission may impose reasonable conditions in connection with any such modifications.

**K. Home Occupation.**

- (1) A home occupation shall be available in only the R-1 and R-2 Districts and shall only be conducted on the premises of a single family, detached dwelling. Home occupations are not permitted within a two family or multiple family dwelling.
- (2) Exterior storage of equipment, accessory items, or outdoor display of any kind are prohibited in connection with a home occupation.

- (3) Only members of the immediate family who have the single family dwelling as their principal place of residence may be employed in any aspect of the home occupation. All activities related to the home occupation must be carried on within the dwelling or an accessory building, except for permitted off-street parking and except for a permitted sign.
- (4) The establishment of a home occupation shall not necessitate exterior modification, except as may be required to accommodate physically handicapped persons, or as may be required by the building code.
- (5) The home occupation shall not generate traffic in excess of that which might usually be expected in a residential neighborhood. All parking shall be located off-street.
- (6) A sign complying with applicable provisions of Chapter 3 shall be permitted but the sign shall not be illuminated.
- (7) Not more than 400 square feet of gross floor area in total, whether in a principal building, accessory building, or partially in both, shall be utilized for the home occupation.
- (8) The home occupation shall not produce fumes, odors, dust, vibration, noise, electrical interference, fire hazard, or other condition which will have serious adverse effects on adjacent or nearby properties.
- (9) The home occupation shall not involve the use or storage of commercial vehicles rated over one ton capacity.
- (10) A home occupation shall not sell or offer for sale on the premises any articles or products not produced on the premises.
- (11) Uses which shall be prohibited as home occupations shall include, but shall not be limited to the following:
  - (a) Nursing or convalescent homes.
  - (b) Antique shops.
  - (c) Funeral homes.
  - (d) Medical or dental clinics, animal hospitals or animal grooming.
  - (e) Day care centers.
  - (f) Nursery schools.
  - (g) Restaurants.

- (h) Repair of automobiles, motorcycles, boats, trailers, trucks, all-terrain vehicles, lawn mowers, or other vehicles or equipment.
- (i) Kennels.
- (j) Refuse collection service.

**L. Indoor Entertainment Uses.**

- (1) The indoor entertainment use shall be available only in the C-1, C-2 and C-3 Districts.
- (2) The use may include a theater, bowling alley, skating rink, tennis club or other indoor entertainment of a similar nature.
- (3) There shall be safe, adequate and convenient driveways and other access to the use.
- (4) The use shall be conducted within a completely enclosed building, except for parking areas and driveways and except for incidental, related outdoor recreational uses, if such outdoor uses are approved as a part of the special land use.
- (5) The placement of buildings, signage, outdoor lighting, lot coverage, landscaping and buffering, handling of storm water drainage, water supply and sanitary sewage disposal and other aspects of the special land use shall be as determined by the Planning Commission.

**M. Industrial Incinerators.**

- (1) The special land use shall be available only in the I District.
- (2) All buildings and structures shall be set back at least 300 feet from any property line.
- (3) Access to the site shall be only from a major street.
- (4) Exterior storage of refuse, recycled materials or other materials or debris as prohibited.
- (5) Composting activity is prohibited.

**N. Machine Shop.**

- (1) The special land use shall be available only in the C-2 and C-3 Districts.
- (2) All repair and storage activity shall take place only within a fully enclosed building, except for the parking of vehicles and other limited outdoor activity that may be permitted under the terms of the special land use.



Any such limited outdoor activity may be required to be screened from view from adjacent lands.

**O. Mechanical, Electrical or Plumbing Repair Service.**

- (1) The special land use shall be available only in the C-1, C-2 and C-3 Districts.
- (2) Storage of equipment, supplies, components and the like outside of a completely enclosed building shall be prohibited, except to the extent that limited outside storage may be permitted by the terms of the special land use.
- (3) All equipment and activities associated with repair work shall take place only within a fully enclosed building.

**P. Motor Vehicle Retail Sales and Leasing.**

- (1) The special land use shall occur only in the C-1, C-2 or C-3 Districts.
- (2) Safe, adequate and convenient driveways and other access to the special land use shall be provided.
- (3) Outdoor lighting on the site shall be shielded so as to prevent the glare of lighting onto adjacent or nearby lands or streets.

**Q. Off-Street Parking Facilities.**

- (1) The special land use shall be available only in the O District.
- (2) The parking of vehicles shall not be permitted within any required building setback area.
- (3) The off-street parking area shall have a durable and dustless surface, and such parking areas shall be properly graded and drained so as to effectively dispose of accumulated surface water.

**R. Open Storage of Industrial-Related Materials.**

- (1) The special land use shall be available only in the I District.
- (2) Such storage shall be effectively screened from existing residential uses and public streets by an opaque fence, wall or landscaped earthen berm.
- (3) Open storage shall not be located in any required building setback area.
- (4) Access to open storage shall not be directly from a public street, but shall be only from some other location on a parcel of land zoned in the I District.

**S. Outdoor Antique and Flea Market.**

- (1) The special land use shall be available only in the C-2 District.
- (2) Adequate and convenient off-street parking area shall be provided.
- (3) All outdoor lighting shall be shielded so as to prevent glare from lighting onto adjacent lands and nearby streets.
- (4) A fence or wall may be required to be installed along or near the boundaries of the site, so as to keep paper and other debris from being carried by wind to other lands.
- (5) Any required yard setback area shall not be used for the sale or display of merchandise.

**T. Outdoor Recreation Establishments.**

- (1) The special land use shall be available only in the C-2 and C-3 Districts.
- (2) Parking areas shall not be located closer than 150 feet to any property line of land used for or zoned for residential use.
- (3) Site lighting shall be designed to prevent direct glare onto adjacent property and public roads.
- (4) Apparatus located outdoors intended to provide thrill rides for people shall be located not less than 200 feet from any property line.
- (5) Midway areas and pedestrian spaces shall be provided with seating, approved lighting style and landscaping.

**U. Outdoor Storage or Display of Merchandise for Sale.**

- (1) The special land use shall be available only in the C-1 and C-2 Districts.
- (2) Outdoor display is prohibited in any required front yard setback.
- (3) Proposed outdoor display areas for retail sales shall be enclosed with an opaque fence or screen wall not less than six feet in height, although the top two feet may be decorative and not completely opaque.
- (4) Access to the fenced-in display area shall be via the principal building.
- (5) Any area used for outdoor storage or display of goods shall be covered with four inches of washed stone or paved.
- (6) Any display area outdoors shall not occupy required landscape area, parking area or private access drive on the site.

- (7) Lighting of outdoor display areas shall be shielded so as to deflect light from any residential district or public street right-of-way.
- (8) Total outdoor display area shall not exceed either (a) building floor area for the business displaying the goods or material or, (b) 15 percent of the gross lot area. The Planning Commission may increase this limitation to permit a larger display area, but only when the display involves motor vehicles, large equipment, or building materials.

**V. Park and Recreation Use and Facilities.**

- (1) The use shall be available only in the R-1, R-2, R-3 and R-4 Districts.
- (2) All buildings shall be located no closer than 100 feet to any property line, except any entry gate.
- (3) Natural features present on the site shall be preserved and protected.
- (4) Off-street parking areas and internal roadways shall be located no closer than 100 feet from any property line.

**W. Restaurant, Bank or Other Business with Drive-Through Facilities.**

- (1) The use shall be available only in the C-1 and C-2 Districts.
- (2) There shall be safe, adequate and convenient driveways and other access to the special land use.
- (3) Any outdoor speakers and outdoor lighting installed and used for the drive-through facilities shall be so located that sound transmission and glare of lighting toward adjacent properties is minimized or avoided.
- (4) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not back up or extend to a public street or required parking aisle. A minimum of ten stacking spaces in advance of the ordering station, in the case of a restaurant, shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and ingress/egress to the site.
- (5) For restaurants, at least three parking spaces shall be provided in close proximity to the pick-up window of the drive-through to provide parking area for customers waiting for delivery of orders.

**X. Retail Lumber Yard.**

- (1) The special land use shall be available only in the C-2 District.
- (2) Adequate, safe and convenient driveways to the site shall be provided.

- (3) Lumber and other materials and supplies shall be kept in a fully-enclosed building or, if outdoor storage is permitted by the terms of the special land use, such stored materials shall be surrounded by an opaque fence of sufficient height to obscure the materials from view from other lands.

**Y. Trails.**

- (1) The special land use shall be available only the NR District.
- (2) Trails shall be laid out and installed only in such locations where the use thereof will not have a significant adverse environmental impact.
- (3) Adequate drainage and appropriate grading and elevation of trails shall be provided.
- (4) Motorized recreational vehicle trails shall not be permitted, unless such trails are a part of a regional trail system operated by a unit of government.

**Z. Vehicle Washing Facilities.**

- (1) The special land use shall be located only in the C-1, C-2 or C-3 District.
- (2) Safe, adequate and convenient driveways and other access to the special land use shall be provided.
- (3) Any outdoor lighting fixtures on the site shall be so designed and located as to avoid glare of light onto adjacent properties or streets.
- (4) As a part of the special land use, the Planning Commission may include conditions requiring buffering of the use by means of a solid wall or fence or substantial landscaped screen, where the use adjoins or would otherwise adversely affect residential uses.
- (5) Sufficient stacking capacity shall be provided to ensure that traffic to the site does not back up onto any public street or private access drive. A minimum total of 15 stacking spaces shall be provided. For self-service washes at least two stacking spaces shall be provided in front of each wash stall and one at the exit of each stall.
- (6) Vacuuming activities, if outdoors, shall be at least 100 feet from any residential lot line. Wash bays for self-service washes shall be at least 50 feet from any residential lot line.
- (7) Should self-service wash bays be arranged so the longest dimension of each bay is perpendicular to an abutting street right-of-way, then the bays shall be screened or buffered as required by the Planning Commission.

AA. **Wind Energy Harvest Site.** Under the terms of this subsection, a wind energy harvest site, also known as a wind farm, may be permitted by the Planning Commission as a special land use in the C-1, C-2, C-3 and I Districts, and a wind turbine generator for on-site service only may be permitted by the Planning Commission as a special land use in the R-1, R-2, R-3 and R-4 Districts.

(1) **Definitions.** For the purposes of this section, the following terms and phrases shall be defined as provided below:

- (a) **Wind Energy Harvest Site (Wind Farm).** A wind energy harvest site is a location where two or more commercial, grid-connected wind turbines are sited for the purpose of extracting kinetic energy from the wind and supplying it, in the form of electrical energy, to the local electrical transmission utility (“grid”).
- (b) **Wind Turbine Generator (WTG).** A wind turbine generator is a device designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility.
- (c) **Horizontal Axis Wind Turbine (HAWT).** A wind turbine designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.
- (d) **Rotor.** An element of a wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- (e) **Nacelle.** The structure designed to “yaw” (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.
- (f) **Tower.** The tubular structure, above grade, that supports the nacelle and rotor assembly.
- (g) **Tower Foundation.** The tower support structure, below grade, that supports the entire weight of the wind turbine.
- (h) **Met Tower.** A guy-wire supported tower containing instrumentation such as anemometers that is designed to, and used for, the assessment of the wind resource on site.
- (i) **Swept Rotor Arc/Diameter.** The largest circumferential path traveled by a wind turbine airfoil rotor blade.

- (j) **Blade Clearance.** In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor's swept arc.
  - (k) **Total Height.** The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
  - (l) **Sub-station.** An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.
  - (m) **Operations and Maintenance Office (OMO).** A local facility constructed for the purpose of operating and maintaining the wind farm including the storage of spare parts and consumable materials.
  - (n) **Supervisory Control and Data Acquisition (SCADA).** A control system designed to acquire data and perform both automatic and manual control functions to the wind farm.
  - (o) **Participating Property Owner.** A property owner who is receiving, or has received, compensation in connection with the siting or development of a wind farm.
  - (p) **Wind Site Assessment Application.** An application to the Planning Commission seeking special land use approval to erect one or more anemometer towers ("Met towers") on lands deemed necessary by the applicant for wind resource assessment.
  - (q) **Wind Farm Construction Application.** An application to the Planning Commission seeking special land use approval to construct a wind farm.
- (2) **Application Requirements.** It is the intent of this subsection to permit, where appropriate, wind energy harvest sites using the special land use approval process. The construction of a wind energy harvest site typically involves a two-phased process, whereby the feasibility of a wind energy harvesting is first tested through the conducting of a wind site assessment and then, if testing is successful, a wind energy harvest site is constructed. Accordingly, each of these two phases shall require separate special land use applications meeting the requirements set forth below:
- (a) **Wind Site Assessment Application.** An applicant seeking special land use approval for a wind site assessment shall submit a site plan complying with the requirements of Chapter 17, and the following additional materials and information:

- (i) The site plan shall also show the following:
  - (I) All existing and proposed structures on the site.
  - (II) All buildings on the subject property as well as any buildings and residences on adjacent properties.
  - (III) The proposed location, size, height and type of all anemometer towers proposed to assess the wind resource, including the setback distance between the proposed towers and the nearest residential unit and residentially-zoned properties.
  - (IV) The topographical features of the site including the location of roads, wood lots, schools, commercial, industrial and residential districts located on the site of the wind site assessment and on adjoining properties.
  - (V) The lot lines, dwelling locations and identity of all participating property owners.
- (ii) A legal description of the lot(s) or parcel(s) on which the wind site assessment will be performed.
- (iii) The name, address and phone number of the applicant, the owner of all equipment proposed to be installed, and the owner of the land on which the equipment will be installed.
- (iv) Written authorization from the landowner(s) to seek land use approval for the wind site assessment.
- (v) A copy of the applicant's lease with the land owner(s) for "Met" towers, which must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of the wind site assessment.
- (vi) Proof of the applicant's public liability insurance for the wind site assessment.
- (b) **Wind Farm Construction Application.** An applicant seeking special land use approval for wind farm construction shall submit a site plan complying with the requirements of Chapter 17, and the following additional materials and information:
  - (i) A finalized site plan, bearing the certification(s) of the all licensed engineering consultants and agencies required by law, showing, in detail, all the features and information

listed in the wind site assessment application and showing the following additional information:

- (I) The proposed location of all wind turbines and access roadways.
  - (II) The proposed location of the OMO, and all sub-station(s) comprising the proposed wind farm.
  - (III) The proposed location of all underground and overhead cabling.
  - (IV) The physical size and electrical nameplate capacity of the proposed wind turbines including the total height and the swept rotor diameter.
  - (V) All landscaping, with landscaping materials identified.
  - (VI) All natural vegetation and features to be preserved.
  - (VII) The method, materials and color of fencing, if any.
  - (VIII) The method of screening or buffering.
  - (IX) The method and type of tower lighting, if so required.
- (ii) A visual representation including scale elevations, photographs and/or digital information of the proposed wind farm.
  - (iii) A copy of the applicant's lease with the land owner(s) for the wind farm, which must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of wind farm operations.
  - (iv) The manufacturer's specifications indicating:
    - (I) The rated nameplate output, in kilowatts or megawatts, of the wind turbines.
    - (II) Safety features and sound characteristics.
    - (III) Type of material used in foundation, tower, blade, and/or rotor construction.
    - (IV) Operating details of the SCADA system employed to control and operate the wind farm.



- (v) A noise impact study which includes information on the noise levels to be generated by the use, measured in dB(A).
  - (vi) Proof that the applicant has obtained or applied for approval from all other agencies having jurisdiction, including the following:
    - (I) State and/or Federal Energy Commissions.
    - (II) Federal Aviation Administration.
    - (III) County Road Commission and/or MDOT, as applicable.
    - (IV) County Drain Commissioner.
    - (V) Department of Environmental Quality.
    - (VI) Other agencies having jurisdiction.
  - (vii) Proof of the applicant's public liability insurance for the wind farm.
- (3) **Review Procedures.** A wind site assessment application and wind farm construction application shall be evaluated by the Planning Commission pursuant to the procedures detailed in Chapter 17. The Planning Commission shall conduct separate and individual public hearings on an applicant's wind site assessment application and wind farm construction application.
- (4) **General Standards.** In addition to meeting the requirements of Section 190.1603, all wind site assessments and wind farms shall comply with the following standards for approval:
- (a) All structures shall comply with or exceed applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction. If such standards and regulations are changed, then the owners of the structures governed by this Ordinance shall bring such structures into compliance with such revised standards and regulations within 90 days of their effective date, unless a different compliance schedule is mandated by the controlling agency.
  - (b) All structures constructed for a wind site assessment or wind farm shall comply with the standards contained in applicable state and local building codes.
  - (c) All towers shall be permanently secured to a stable foundation.

- (d) All towers shall be grounded to protect against damage from lightning.
- (e) No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
- (f) All Wind Farms and anemometer towers ("Met" towers) shall comply with the minimum required building setbacks for the district in which the wind farm or "Met" tower is located, plus an additional setback equal to the height of the highest wind turbine generator within the wind farm, including the foundation, the tower, the rotor and all other components, as measured from the ground at the base of the tower to the tip of the blade of the rotor when the blade is in a vertical position.

For the purposes of determining whether a proposed wind farm or "Met" tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the wind farm or "Met" tower may be located on leased parcels within such lot or parcel.

- (g) In the case of a wind farm, setbacks may be reduced from the minimum setback requirements of this section, in the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a reduction in setbacks, the feasibility of alternate locations and the proximity of existing dwellings.
- (h) Setbacks with respect to existing overhead electrical distribution and transmission lines shall conform to the established setbacks applicable to those lines.
- (i) A "Met" tower, excluding any ambient background noise measuring device(s) located thereon, shall be located not less than one and one-half times the total height of the tower from the center point of any dwelling.
- (j) Any wind turbine generator within a wind farm shall be located not less than one and one-half times the total height of the wind turbine generator, including the foundation, the tower, the rotor and all other components, from any dwelling located on the property where the wind turbine generator is located, as measured from the nearest main wall of the dwelling to the center of the nearest wind turbine generator tower.

- (k) The OMO shall be constructed in accordance with all applicable requirements of the Village Zoning Ordinance and Building Code.
- (l) All wind farms and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
- (m) Structures within a wind farm shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other state or federal authority having jurisdiction over the wind farm. If lighting is required, the lighting as installed shall cause only the least possible disturbance to surrounding land uses and shall not exceed FAA minimum standards.
- (n) All wind turbines within a wind farm shall be finished in a single, non-reflective matte finished color which minimizes the visual impact of the wind farm.
- (o) Individual wind farms separated by one-half mile or less shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the wind farm, thus exhibiting reasonable uniformity in overall turbine size, geometry, and rotational speeds.
- (p) The minimum vertical blade tip clearance from grade shall be 66 feet for a wind turbine employing a horizontal axis rotor (HAWT).
- (q) Any wind turbine generator, including the foundation, the tower, the rotor and all other components, located on a wind energy harvest site, shall have a total height not exceeding 400 feet, as measured from the ground at the base of the tower to the tip of the blade of the rotor, when the blade is in a vertical position.
- (r) The use of any type of tower, other than a free-standing tubular tower, is prohibited. All tubular towers shall be designed to prevent external access to electrical and mechanical components within and shall have robust access doors that are kept securely located at all times.
- (s) All power lines on the site of a wind farm to the substation or grid shall be underground, except where otherwise permitted by the Planning Commission.

**(5) Wind Turbine Generator for On-Site Service Only.**

- (a) The Planning Commission may consider, and in its discretion may approve, an application for special land use for a single wind

turbine generator, for the purpose of extracting energy from the wind and supplying it in the form of electrical energy for use solely on the site or property on which the wind turbine generator is located.

- (b) The application, consideration of and procedures for the special land use for wind turbine generator for on-site service only shall be the same as provided above in this section with respect to wind energy harvest sites, except that only a single application shall be required, and that application shall be in the form of a written application for approval of the special land use, and it shall include all of the materials and information required for the application with respect to a proposed wind energy harvest site, except such information and materials which reasonably do not apply to a single wind turbine generator (site use only).
- (c) In addition to meeting the requirements of Section 190.1603, the special land use shall also comply with the standards for approval stated in subsection (4) of this section, except such standards therein that reasonably do not apply. In addition, the single wind turbine generator for on-site service only shall comply with the following minimum requirements:
  - (i) The tower shall not exceed a height of 80 feet, measured from the ground at the base of the tower.
  - (ii) The diameter of the blade of the rotor, as measured from one tip of the blade to the other tip of the blade, shall not exceed 100 feet.
  - (iii) The total height of the entire wind turbine generator, including the foundation, the tower, the rotor and all other components of the generator, shall not exceed the height of 130 feet, measured from the ground at the base of the tower to the tip of the blade when the blade is in a vertical position.
  - (iv) The wind turbine generator, and all components thereof, shall be not closer to any property line than the minimum required building setback of the district in which the generator is located plus an additional lineal distance equal to the total height of the generator, including the foundation, the tower, the rotor and all other components, measured from the ground at the base of the tower to the tip of the blade of the rotor when the blade is in a vertical position.

- (v) The wind turbine generator shall provide energy to buildings and other structures on only the parcel on which the generator is located, but shall not provide energy to any other lands.
  - (vi) In the event of conflict between the above-stated minimum requirements for the special land use for the wind turbine generator for on-site service only, and the above-stated requirements for wind energy harvest site (wind farms), the provisions of this subsection with respect to the single wind turbine generator special land use shall control.
- (6) **Discretionary Conditions.** The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any wind farm or “Met” tower. Such other terms and conditions may include, though need not be limited to, the following:
  - (a) The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof.
  - (b) The timely removal of unused or unsafe towers or accessory buildings or structures.
  - (c) The prohibition on the construction or occupancy of dwellings on the lands where the wind farm or “Met” tower is located, within the separation distances specified by this section.
  - (d) The preservation of existing trees and other existing vegetation not required to be removed for installation of a wind farm or “Met” tower.
  - (e) The reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of a wind farm or “Met” tower or accessory buildings or structures.
- (7) **Removal.**
  - (a) Should 50 percent or more of a wind farm discontinue producing power for a minimum of two years, the wind farm operator shall be required to provide a status report to the Planning Commission. A review of the status report by the Planning Commission may result in a request for the affected wind turbine(s) or the entire wind farm to be decommissioned or removed. Failure to comply with a decommissioning or removal request may result in the issuance of a stop operation order by the Village Zoning Administrator or other Village official having jurisdiction.

- (b) The Village Clerk shall be notified within 30 days of any changes in the status of a wind farm, including cessation of use, a change in its ownership or a change in the terms of the underlying lease to the subject property.
- (8) **Inspections.** Upon the provision of reasonable prior notice to the site operator, the Village Zoning Administrator and/or his or her designated representative may inspect any property for which special land use approval has been granted pursuant to this section to determine whether the site complies with the applicable requirements of law and the terms of the special land use approval.
- (9) **Prohibited Structures.** The following structures are strictly prohibited as part of any wind farm approved as a special land use:
  - (a) Vertical axis wind turbines, commonly known as a “VAWT” or “Darrieus” wind turbine.
  - (b) Wind turbines with a nameplate generation capacity of less than 500 KW.
  - (c) Wind turbines (HAWT’s) with a rotor design consisting of a number of airfoil rotor blades other than three.
  - (d) Wind turbines utilizing a lattice tower structure.

## **SECTIONS 190.1606-1699 (RESERVED)**

## **CHAPTER 17**

### **SITE PLAN REVIEW**

#### **SECTION 190.1700 INTENT**

It is the intent of this chapter to require site plan review and approval for certain buildings, structures, and land development that can be expected to impact on natural resources, traffic patterns, abutting lots or parcels, or the character of future development in an area.

#### **SECTION 190.1701 LAND USES SUBJECT TO SITE PLAN REVIEW**

- A. Site plan review and approval by the Planning Commission is required for all permitted uses and special land uses in all of the zone districts, except single family dwellings.
- B. Any land use which does not require site plan review under the terms of this section shall be reviewed by the Zoning Administrator to determine compliance with the applicable provisions of this Ordinance.

#### **SECTION 190.1702 PRELIMINARY SITE PLAN REVIEW**

- A. Any land use or development which occupies five or more acres or which is intended to be developed in phases, may seek preliminary site plan approval, the purpose of which is to indicate the general design and layout of the project site, uses and buildings.
- B. Application for preliminary site plan approval shall consist of the following items and information:
  - (1) A completed application form.
  - (2) Twelve copies of the preliminary site plan at a scale of not more than one inch equals 100 feet depicting; property dimensions, topographic elevation at two feet intervals, significant vegetation, water courses and water bodies, wetlands, 100-year flood plain, high risk erosion areas, existing public right-of-way, pavements, and/or private easements, existing and proposed buildings and structures, zoning classification of abutting properties, and the name of the person or firm who prepared the preliminary site plan; provided, however, that the Planning Commission may determine in its sole discretion which, if any, of such items are not necessary to a decision on the site plan and the proposed use, and in that case, such items need not be submitted.
- C. The Zoning Administrator shall forward the preliminary site plan to the Planning Commission for first consideration.

- D. If the preliminary site plan accompanies a special land use application, it shall be considered along with said application in accordance with procedures in Sections 190.1602 and 190.1603.
- E. The Planning Commission shall review the site plan and approve, approve with conditions, or deny the site plan; if approval for the plan is denied, the Planning Commission shall state the grounds for such denial.
- F. Approval of the preliminary site plan is valid for a period of 12 months. If a final site plan for the development or portion thereof has not been submitted during the 12 month period, approval of the preliminary site plan shall become null and void. The time limit shall not be extended.
- G. If, in lieu of submitting a preliminary site plan and other materials required for the preliminary plan, an applicant submits all required materials for final site plan review, then the Planning Commission, in its discretion, may proceed to consider the plan as a final site plan, and make its decision thereon in accordance with Sections 190.1703 through 190.1706.

#### **SECTION 190.1703 FINAL SITE PLAN REVIEW**

- A. An application for final site plan review shall consist of the following items and information:
  - (1) A completed application form supplied by the Zoning Administrator.
  - (2) Twelve copies of a final site plan at a scale of greater than one inch equals 100 feet or less with the following information:
    - (a) Dimensions of the property, contours at two foot intervals, and location of all buildings, driveways, parking areas and other structures on adjacent properties within 50 feet of the subject property, including those located adjacent on the opposite side of a public street right-of-way.
    - (b) Required building setback lines.
    - (c) Location of abutting public and private streets, drives and easements serving the property.
    - (d) Location, dimension and height of proposed buildings and structures, such as trash receptacles, utility pads, etc. including accessory buildings and uses, and intended future uses. Screening when required by this Ordinance shall be shown.
    - (e) Location and dimensions of parking areas, including computation of parking requirements, typical parking space dimensions, handicapped parking spaces, and aisle widths.



- (f) Proposed water supply and wastewater disposal system locations and dimensions.
- (g) Proposed grades and site drainage pattern, including necessary drainage structures, and, if applicable, the location of the 100-year flood plain limits.
- (h) Location of high risk erosion areas on the site.
- (i) Proposed common open space and recreational facilities, if any.
- (j) Proposed landscaping, including locations, plant names, sizes, and quantities.
- (k) Signs, including location and sizes.
- (l) Location and dimensions, pavement markings, traffic control signs or devices, and service drives.
- (m) Exterior lighting showing location of lighting fixtures, area illuminated and design of fixtures.
- (n) The name and address of the person or firm who prepared the final site plan and the date on which the plan was completed.

Provided, however, that the Planning Commission may determine in its sole discretion which, if any, of such items are not necessary to a decision on the site plan and the proposed use, and in that case, such items need not be submitted.

- (3) The final site plan for developments which have been proposed in phases shall generally conform to the approved preliminary site plan.
- (4) The Planning Commission may require written statements and analyses relative to the impacts of a development included on a final site plan for the following:
  - (a) Streets, traffic flow, traffic safety, service drive feasibility, and need for traffic control devices.
  - (b) Fire protection, police protection, water supply, wastewater disposal, site drainage outlet, school enrollment, or environment.

**B. Review of Final Site Plan.** The Planning Commission shall receive and review all final site plans. It shall approve, approve with conditions, or deny the site plan. Whenever a final site plan is denied, the reasons for the denial shall be stated and included in the minutes of the meeting at which the action is taken.

- C. **Approved Final Site Plans.** The Zoning Administrator, following final site plan approval, shall sign and mark the final site plan as approved, including the date of approval thereon. A copy of the approved site plan shall be maintained in the Village files and a copy shall be returned to the applicant.

#### **SECTION 190.1704 VALIDITY OF APPROVED FINAL SITE PLAN**

Approval of any final site plan is valid for a period of one year. If physical construction on the site has not begun within the period, the final site plan approval shall become null and void; provided, however, that upon written application to the Planning Commission prior to the end of the one-year period, an extension for an additional one year may be granted, for good cause shown.

Minor site grading shall not be considered physical construction pursuant to the approved final site plan.

#### **SECTION 190.1705 STANDARDS FOR SITE PLAN APPROVAL**

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied. If these standards and other requirements of this Ordinance are complied with, the site plan shall be approved:

- A. For new uses or reuse of lots or parcels having frontage on a Village street, the number, design and location of access driveways and other access provisions shall be reviewed and such access points reduced to the minimum needed to provide reasonable site access.
- B. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with requirements of Chapter 18.
- C. All elements of the site plan shall be designed to take account of the site's topography, the site size, and the character of buildings and uses on adjoining property. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property.
- D. The existing landscape shall be preserved in its natural state insofar as is practical.
- E. The site plan shall provide for reasonable visual privacy for dwelling units located or to be located thereon. Fences, walls, barriers, and landscaping shall be used to accomplish this purpose.
- F. All buildings or groups of buildings shall be arranged to permit ready access of emergency vehicles.
- G. There shall be provided a pedestrian circulation system which is separate from the vehicular circulation system. In order to provide for pedestrian safety, special measures such as crosswalks may be required in the vicinity of schools, public

playgrounds, shopping centers or other uses which generate considerable pedestrian circulation.

- H. All streets and pedestrian walkways on site shall be designed and located to permit connection with present or future streets or walkways in the vicinity.
- I. Appropriate measures shall be taken to ensure that removal of surface storm water runoff will not adversely affect adjoining properties or existing public storm drainage systems. The use of retention or detention ponds may be required where the public storm drainage outlet for the site is inadequate to accommodate part or all of the new storm water flow. Surface water on all paved areas shall be collected at regular intervals so that it will not obstruct movement of vehicles or pedestrians.
- J. All loading and unloading areas and outdoor storage, including storage of refuse, shall be screened by an opaque fence, wall or landscape screen of not less than six feet in height.

#### **SECTION 190.1706 CONDITIONS OF SITE PLAN APPROVAL**

- A. As part of an approval for any site plan, the Planning Commission may impose additional conditions or limitations as in its judgment may be necessary for the protection of public health, safety and general welfare.
- B. Such conditions or limitations shall be for the purpose of assuring compliance with the review standards in Section 190.1705, and also to avoid or moderate serious adverse effects that may result from the proposed use.
- C. A record of conditions imposed shall be stated in a resolution or motion of the Planning Commission, and a copy thereof shall be included with the approved final site plan as maintained in the office of Village Clerk.
- D. The Zoning Administrator shall make periodic inspections of land uses or developments for which a final site plan has been approved. Non-compliance of the development with the approved site plan shall be a violation of this Ordinance.

#### **SECTION 190.1707 AMENDMENTS TO APPROVED SITE PLANS**

A change in an approved site plan shall be a major amendment or minor amendment, as follows:

- A. A major amendment to the site plan shall require approval of the Planning Commission. Major amendments shall include, but are not limited to:
  - (1) The addition of land to the area included in the approved site plan.
  - (2) The establishment of an additional use(s).

- (3) The addition of more interior floor area, dwelling(s), or outdoor display area.
    - (4) An expansion or increase in the intensity of use(s).
  - B. A minor amendment to the site plan shall be only a change that does not have a material effect on the site plan or the land use, and that is otherwise of a minor nature. Minor amendments shall include, but are not limited to:
    - (1) A change in the name of the development.
    - (2) A change in street names.
    - (3) Minor, inconsequential adjustments in the placement of buildings or other features, where no adverse effects result.

A minor amendment may be approved by the Zoning Administrator or, in the Administrator's discretion, it may be referred to the Planning Commission for decision. The approval of a minor amendment shall be set forth in a written decision or memorandum, signed by the Zoning Administrator (or, if the decision is made by the Planning Commission, then by the Secretary of the Planning Commission), and such written evidence of the decision shall be maintained with the approved final site plan, in the office of the Village Clerk.

#### **SECTION 190.1708 APPEAL OF FINAL SITE PLAN DECISIONS**

- A. Any person aggrieved by the decision of the Planning Commission in granting or denial of a final site plan shall have the right to appeal the decision to the Village Council. The appeal shall be filed with the Village Clerk within five days of the decision, but if the appeal is not filed within such period of time, no appeal of the decision to a Village body shall be available. The appeal shall state in writing the aggrieved party's grounds for appeal. A timely appeal shall stay any certificate of zoning compliance, building permit, or construction of improvements on the property.
- B. The Village Council shall hold a hearing at a Council meeting following the filing of the appeal, and shall determine whether or not there is support in the record for the decision made. The applicant shall not have the right to present new evidence, but shall be bound by the record before the Planning Commission. The Village Council may approve the Planning Commission decision; it may reverse that decision; or it may approve the decision, but with modifications or additional or revised conditions. The decision of the Village Council on the site plan shall be final, except that the Village Council may in its discretion refer the matter back to the Planning Commission for additional consideration or proceedings, and if so, then the Village Council shall make the final decision following such additional consideration or proceedings by the Planning Commission.

#### **SECTION 190.1709-1799 (RESERVED)**

## **CHAPTER 18**

### **LANDSCAPE STANDARDS**

#### **SECTION 190.1800 INTENT**

It is the intent of this chapter to require buffer zones and landscape screening to reduce negative impacts between potentially incompatible land uses and to provide landscaping within parking lots. It is further intended to preserve and enhance aesthetic qualities, privacy, and land values of the Village.

#### **SECTION 190.1801 BUFFER ZONES REQUIRED**

- A. A buffer zone shall be required on the subject lot or parcel between zoning districts as indicated on Table 18-1.
- B. A buffer zone shall be required, even if the abutting parcel is unimproved land.
- C. Whenever a developed parcel of land changes to a more intense use, the use expands, or site plan approval is required, a buffer zone shall be established in accordance with requirements of this chapter.
- D. If existing conditions on the lot or parcel are such that compliance with the buffer zone requirements are not possible, then the Planning Commission shall determine the character of the buffer zone to be required based on the following criteria:
  - (1) Traffic impacts.
  - (2) Increased building or parking coverage on the parcel.
  - (3) Increased outdoor display area.
  - (4) Physical characteristics of the site, such as topography, existing building locations, and site access.
  - (5) Other physical conditions which prevent or impede the ability to place the required buffer zone.
- E. If two zoning districts requiring a buffer zone are separated by a public street, the design of the buffer zone shall be determined by apply required buffers set forth in Table 18-1 to each parcel.

#### **SECTION 190.1802 BUFFER ZONE DEVELOPMENT STANDARDS**

Required buffer zone shall comply with the following standards:

**A. Buffer Zone Level A (See Figure 18-1).**

- (1) Thirty feet minimum width.
- (2) The equivalent of one canopy tree per 20 linear feet of buffer zone length.
- (3) Six feet high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- (4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on the top and side slope facing the exterior of the site.

**TABLE 18-1  
LANDSCAPE BUFFER MATRIX**

Adjacent Zone								
	NR	R-1	R-2	R-3	R-4	C-1/C-2/C-3	I	O
NR								
R-1								C
R-2						C	A	C
SUBJECT ZONE	R-3					C	A	C
	R-4					C	A	C
	C-1/C-2/C-3	A	A	A	A	B		
	I	B	A	A	A	A	B	
	O		C	C	C	C		

\* Read from subject zone across to adjacent zone.

**LEGEND:**

A - Buffer Zone A

B - Buffer Zone B

C - Buffer Zone C

■ No Buffer Required

- (5) If a screen wall or fence is used for all or part of the buffer zone, then;
  - (a) The equivalent of four shrubs are required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
  - (b) All required plant materials shall be on the exterior side of the buffer strip.
  - (c) All applicable Standards in Section 190.1807.C.
- (6) All areas of the buffer strip outside shrub or flower beds, shall be covered with grass or other living ground cover.
- (7) All applicable standards in Section 190.1807.

**B. Buffer Zone Level B (See Figure 18-2).**

- (1) Twenty foot minimum width.
- (2) The equivalent of one canopy tree per 30 linear feet of buffer zone length.
- (3) Six foot high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- (4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on the top and side slope facing the exterior of the site.
- (5) If a screen wall or fence is used for all or part of the buffer zone, then:
  - (a) The equivalent of four shrubs are required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
  - (b) All required plant materials shall be on the exterior side of the buffer strip.
- (6) All areas of the buffer strip outside shrub or flower beds, shall be covered with grass or other living ground cover.
- (7) All applicable standards in Section 190.1807.

**C. Buffer Zone Level C (See Figure 18-3).**

- (1) Ten foot minimum width.
- (2) The equivalent of one canopy tree per 20 linear feet of buffer zone length.

- (3) Six foot high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- (4) If berming is used for all or part of the buffer zone, then;
  - (a) All required plant material shall be placed on the top and slope facing the exterior of the site.
  - (b) The minimum buffer zone width shall be increased as needed to accommodate a maximum slope of three foot horizontal to one foot vertical.
- (5) If a screen wall or fence is used for all or part of the buffer zone, then:
  - (a) The equivalent of four shrubs are required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
  - (b) All required plant materials shall be on the exterior side of the buffer strip.
  - (c) All applicable standards in Section 190.1807.



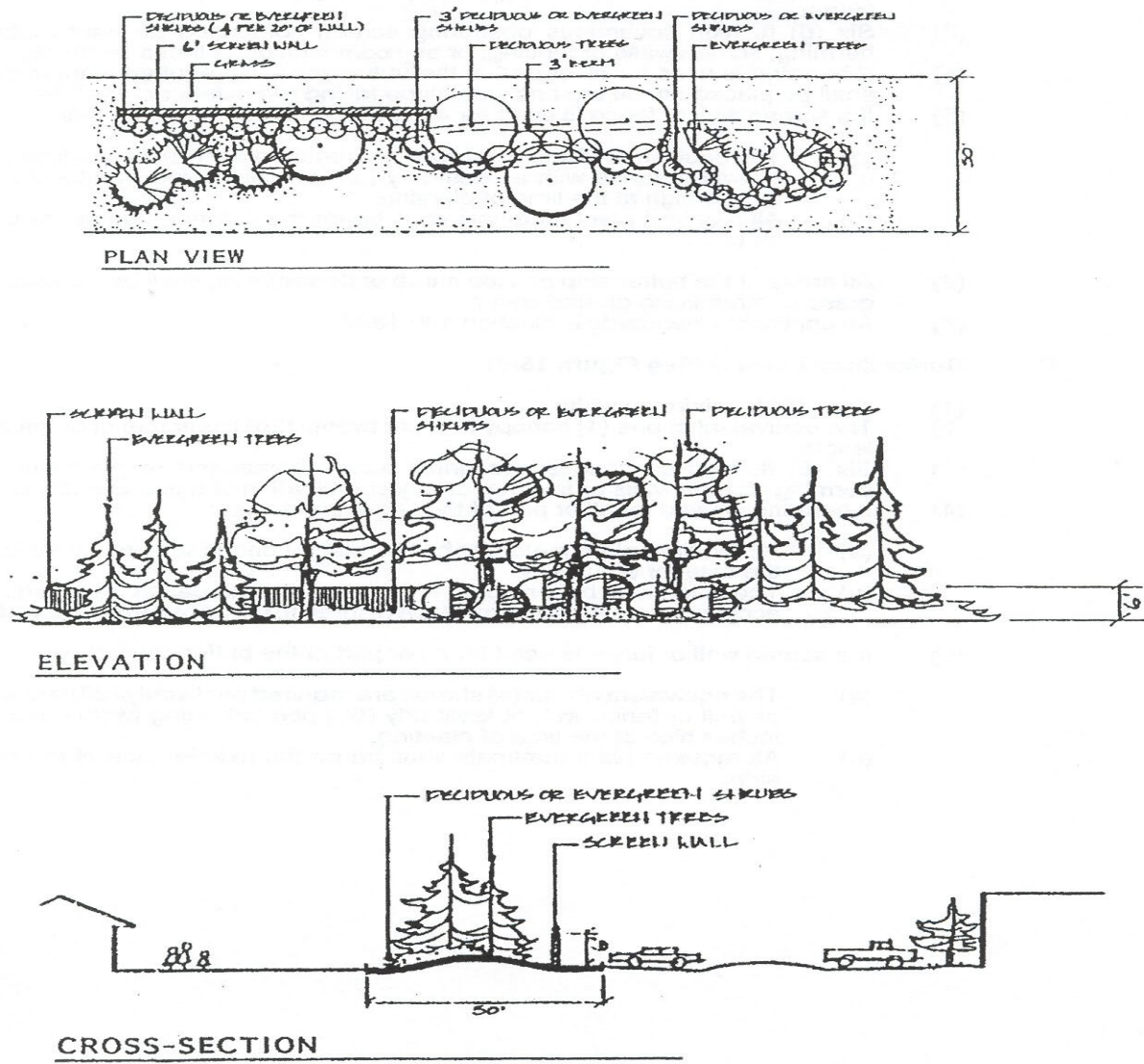
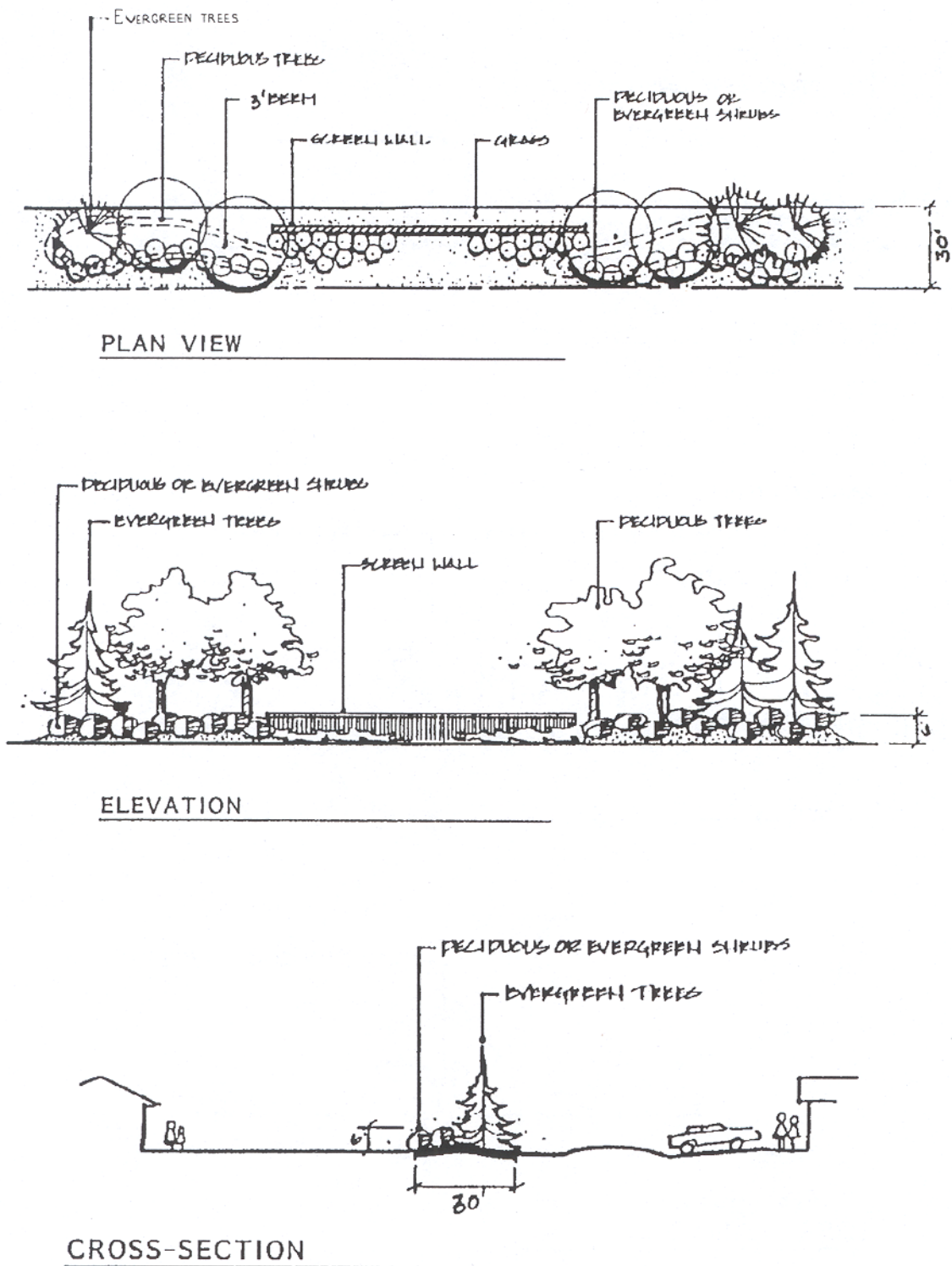


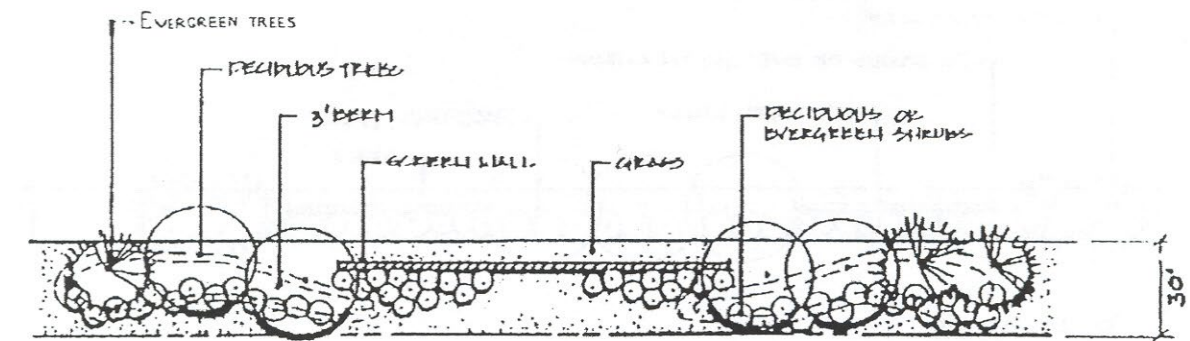
FIGURE 18-1

BUFFER ZONE - LEVEL A

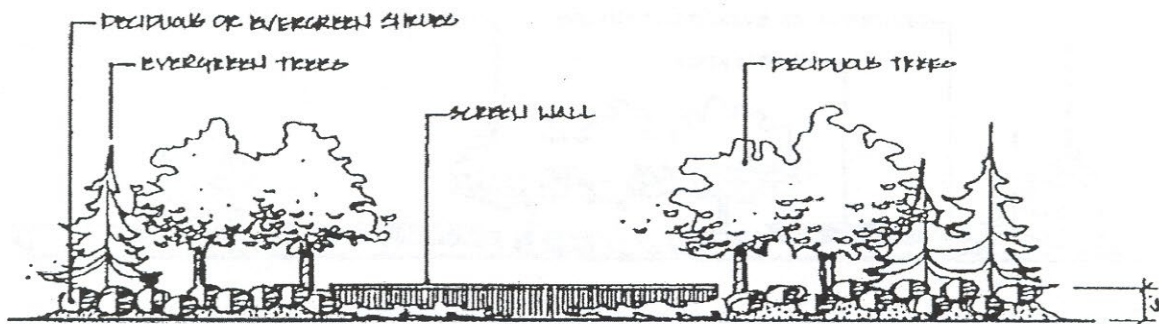


**FIGURE 18-2**

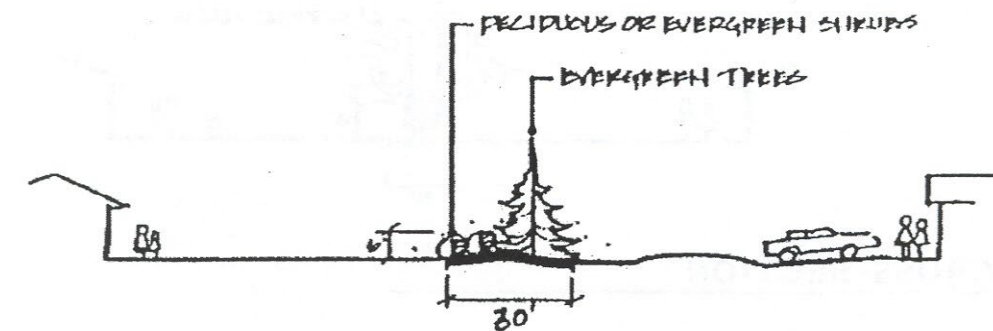
**BUFFER ZONE - LEVEL B**



PLAN VIEW



ELEVATION



CROSS-SECTION

**FIGURE 18-3**

**BUFFER ZONE - LEVEL C**

## **SECTION 190.1803 OFF-STREET PARKING AREAS (SEE FIGURES 18-4, 18-5)**

- A. Off-street parking areas containing eight or more parking spaces shall be provided with landscaping in accordance with the following:

8 - 50 spaces:	1 canopy tree and 100 sq. ft. of landscape area per 8 spaces.
51 - 100 spaces:	1 canopy tree and 100 sq. ft. of landscape area per 10 spaces.
101 + spaces:	1 canopy tree and 100 sq. ft. of landscape area per 12 spaces.

- B. In no case shall any buffer zone or greenbelt required in Section 190.1802 be considered a substitute for off-street parking landscape area.

## **SECTION 190.1804 OFF-STREET PARKING AREA LANDSCAPE STANDARDS**

- A. Required parking lot landscape areas shall comply with the following:

- (1) The minimum size of a landscape area shall be 60 square feet and six feet wide.
- (2) All landscaped areas shall be covered by grass, shredded bark, stone, or a living ground cover.
- (3) All landscape areas shall contain at least one canopy tree. The tree shall be located to prevent damage by motor vehicles.
- (4) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces and shall not obscure traffic signs or fire hydrants. Not more than 12 contiguous parking spaces are permitted in a row unless landscaping is used to break up continuity.
- (5) At least 25 percent of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point ten feet from the boundary of the parking lot.
- (6) All landscape area shall be protected by raised curbs or similar barrier.
- (7) Where any parking area, excepting areas serving one or two family dwellings, abuts or faces a public right-of-way, a three foot high continuous obscuring screen shall be required between the parking area and the public road right-of-way line. The screen may be comprised of plant material, berming, or any combination of these elements, not more than ten spaces in a row.
- (8) All applicable standards in Section 190.1807.

## SECTION 190.1805 GREENBELTS

- A. Greenbelts shall be required where any developed parcel abuts or faces a public right-of-way in the commercial or industrial districts, multiple-family uses or in any Planned Unit Development.
- B. If a buffer zone is required along a public right-of-way, then the greenbelt requirement shall be waived.

## SECTION 190.1806 GREENBELT DEVELOPMENT STANDARDS

- A. All greenbelts shall comply with the following standards:
  - (1) One canopy tree for every 40 linear feet of frontage abutting a public right-of-way.
  - (2) All greenbelts shall be covered by grass.
  - (3) The width of the greenbelt shall correspond to the required front setback requirements for off-street parking areas contained in Chapter 19.
  - (4) All applicable standards in Section 190.1805.

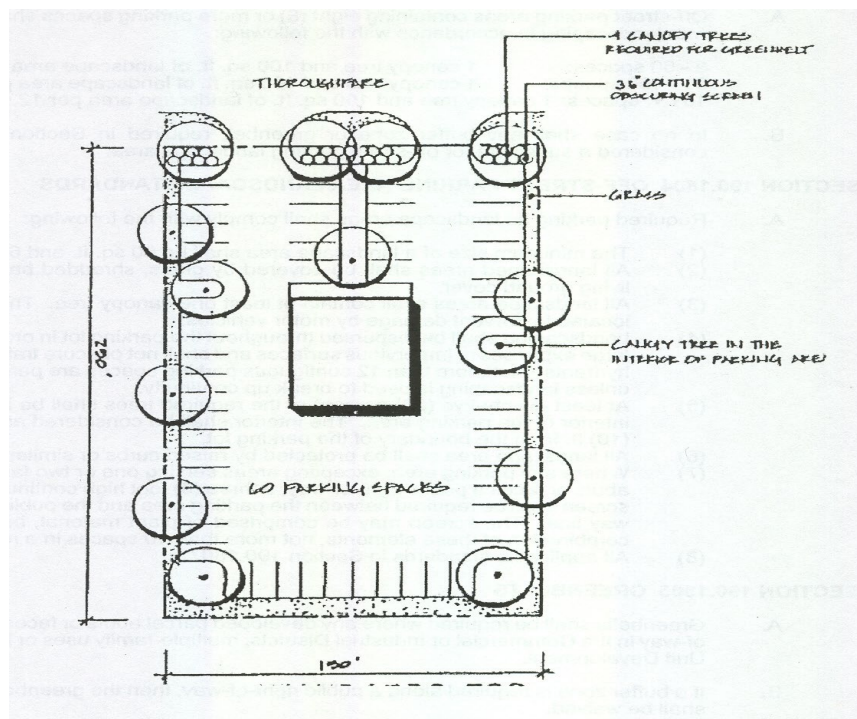
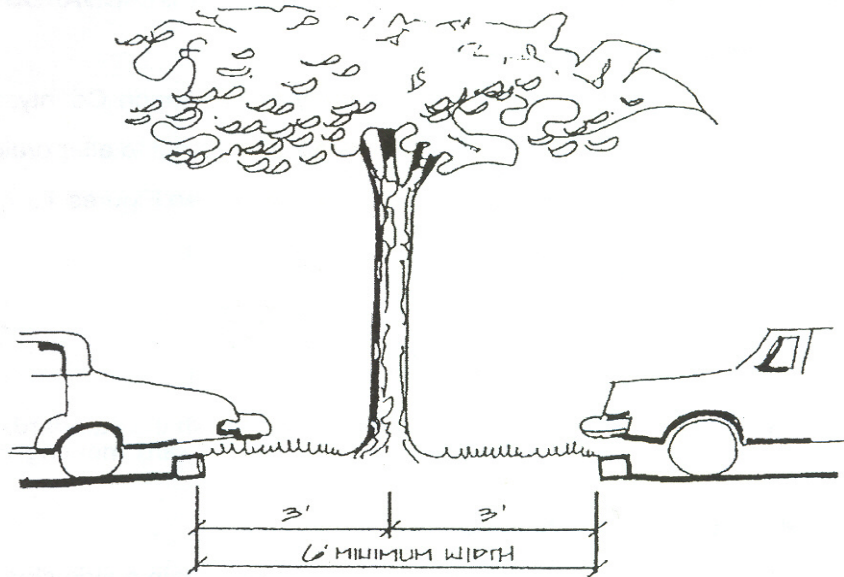


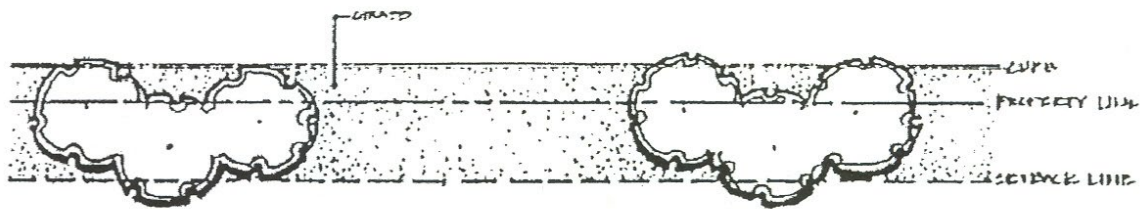
FIGURE 18-4

### LANDSCAPE STANDARDS FOR GREENBELT AND OFF-STREET PARKING



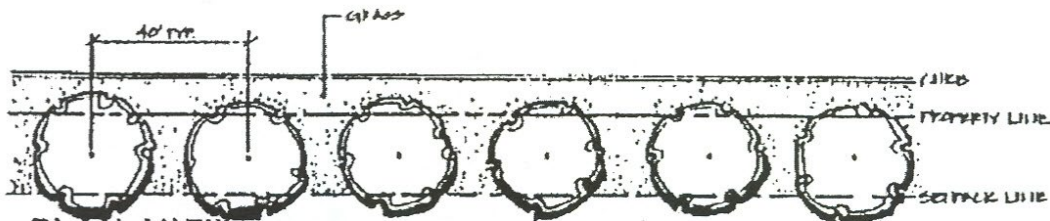


**FIGURE 18-5** **TYPICAL OFF-STREET PARKING LANDSCAPE AREA**



PLAN VIEW

GROUPING A VARIETY OF PLANT MATERIALS



PLAN VIEW

CONTINUOUS ROW OF EQUALLY SPACED TREES

**FIGURE 18-6** **GREENBELTS**

## SECTION 190.1807 GENERAL LANDSCAPE DEVELOPMENT STANDARDS

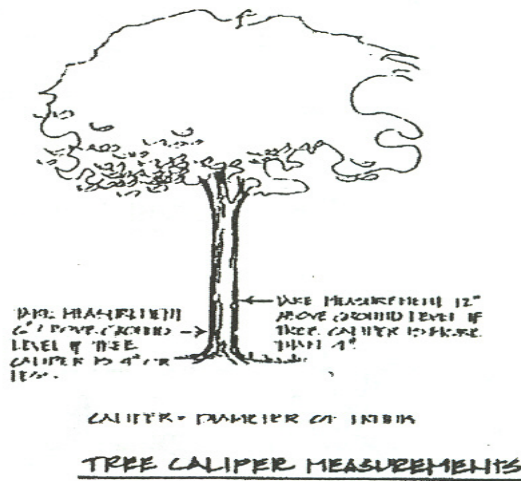
### A. Minimum Plant Material Standards:

- (1) All plant material shall be hardy to Muskegon County, free of disease and insects.
- (2) All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.
- (3) Minimum plant size at time of planting (**See Figures 18-7 and 18-8**):

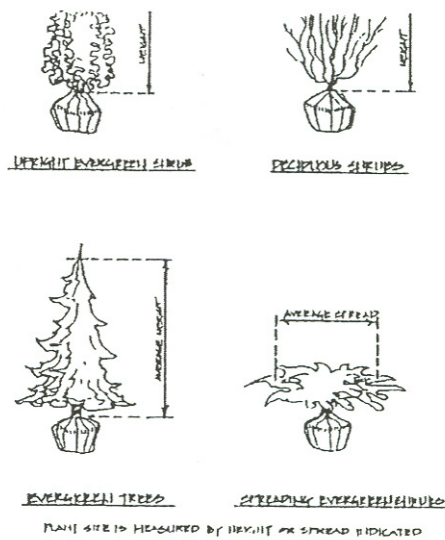
Deciduous Canopy Tree:	2½" caliper
Deciduous Ornamental Tree:	2" caliper
Evergreen Tree:	6' height
Deciduous Shrub:	2' height
Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" spread
- (4) Existing plant material which complies with the standards of this chapter may be retained and shall count as credit toward meeting the standards of this chapter.

### B. Minimum Standards for Berms:

- (1) Berms shall be constructed so as to maintain a side slop not to exceed a one foot rise to three foot, horizontal ratio. (**See Figure 18-9**).
- (2) Berm areas not containing plants shall be covered with grass or other living ground cover.
- (3) Berms shall be constructed so as not to alter drainage patterns on site or an adjacent properties.
- (4) If the berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.



**FIGURE 18-7 TREE CALIPER MEASUREMENTS**



**FIGURE 18-8 PLANT SIZES**

**C. Minimum Standards for Screen Walls and Fences:**

- (1) All screen walls and fences shall be constructed of new, durable, weather resistant and easily maintainable materials. Chain link and barbed wire fences are not permitted.



- (2) The wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. The openings shall allow passage of air but shall not reduce the obscuring effect of the wall.
- (3) Screen walls or fences shall be constructed so as not to alter drainage patterns on site or on adjacent properties.
- D. Storm water detention/retention areas shall be permitted within buffer zones provided they do not reduce the screening effect.
- E. Solid waste dumpsters may be located in buffer zones, provided they are screened by a continuous opaque wall or fence six feet in height.
- F. **Requirements for Projects Developed in Phases.** If a land development is constructed in phases, required landscaping may also be installed in phases. Buffer zones or screening necessary to obscure and protect abutting uses may be required in their entirety within the first phase.

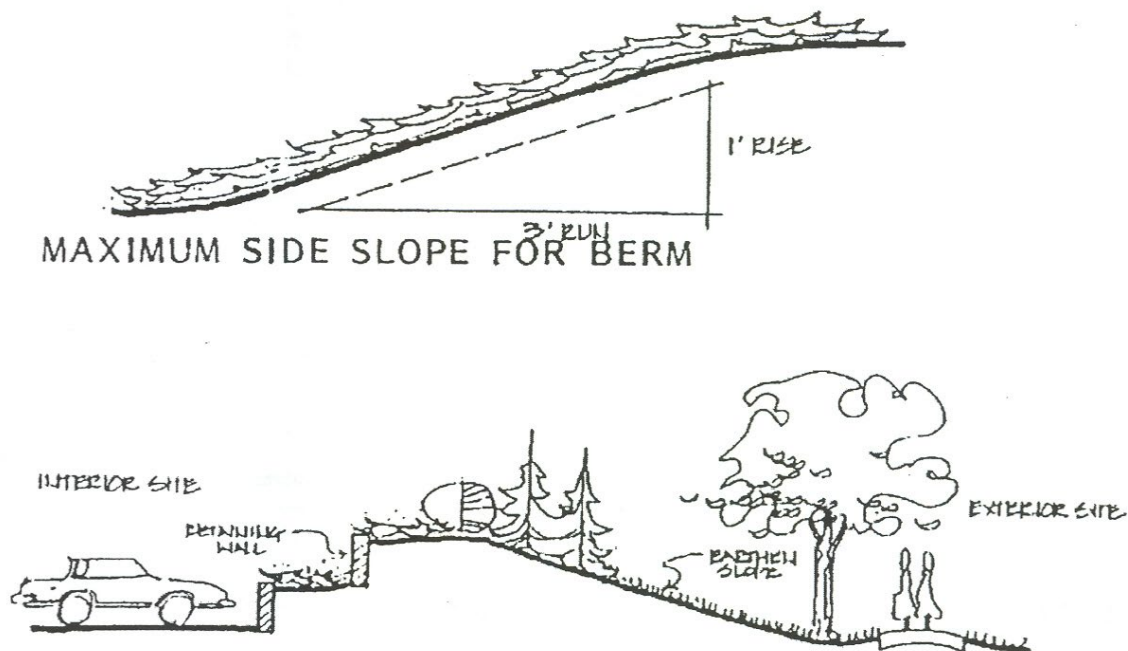


FIGURE 18-9

BERM WITH RETAINING WALLS

- G. **Installation and Maintenance Provisions.** All landscape materials required by this Ordinance shall be maintained in good condition. No required plant materials or landscape area shall be eliminated from the site. Dead or diseased plant materials shall be replaced within one growing season.

**SECTIONS 190.1808-1899 (RESERVED)**

## **CHAPTER 19**

### **OFF-STREET PARKING AND LOADING**

#### **SECTION 190.1900 SCOPE OF REGULATIONS**

- A. Any time a building or structure is erected, enlarged or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this chapter.
- B. No parking space or loading area which exists at the time of adoption of this Ordinance shall be reduced or eliminated in any manner below the requirements of this Ordinance.

#### **SECTION 190.1901 LOCATION OF PARKING AND LOADING AREAS**

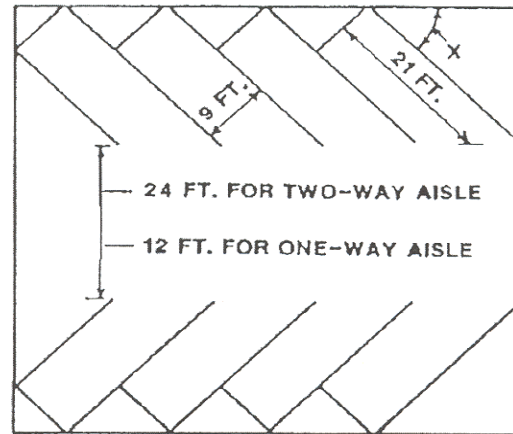
- A. Off-street parking and loading areas required by this Ordinance shall be located on the same lot or parcel as the use for which parking or loading areas are required.
- B. Where two or more contiguous lots or parcels are under one ownership, parking and loading areas may be located on any one or more of these lots or parcels.

#### **SECTION 190.1902 PARKING AND LOADING AREA REQUIREMENTS**

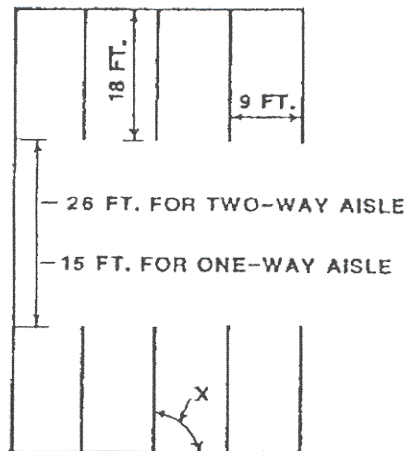
- A. Plans showing off-street parking and loading spaces shall be provided at the time of application for a certificate of zoning compliance or final site plan approval. Parking and loading space plans shall conform to requirements of Chapter 17. All parking and loading spaces required by this Ordinance shall be completed prior to establishment of the use, or occupancy of the building they are intended to serve.
- B. Every lot or parcel of land used for parking spaces shall be developed in accordance with the following requirements:
  - (1) All off-street parking areas shall be drained so as to prevent water run-off onto abutting properties and shall be hardsurfaced with asphalt or concrete, excepting parking for single family and two family dwellings.
  - (2) All off-street parking and loading area that make it necessary for vehicles to back directly onto a public road are prohibited, provided this prohibition shall not apply to single family and two family dwellings.
  - (3) Parking is not permitted within the first 20 feet of a required front yard in the commercial and industrial districts, multiple-family uses or in any Planned Unit Development.
  - (4) Loading areas may not occupy any front yard setback area in commercial or industrial districts, except the C-1 Central Business District.

## SECTION 190.1903 MIXED USE/JOINT PARKING FACILITIES

- A. In the case of mixed uses in the same building or on the same lot, the required on-site parking shall be the total sum of the requirements for each use computed separately.



WHERE ANGLE  $X = 30^\circ - 75^\circ$



WHERE ANGLE  $X = 76^\circ - 90^\circ$

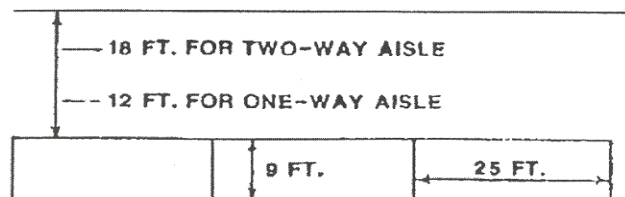


FIGURE 19-1

PARKING SPACE  
AND MANEUVERING AISLE DESIGN STANDARDS

STREET

## SECTION 190.1904 PARKING SPACE AND MANEUVERING AISLES

All parking spaces and maneuvering aisles shall comply with the design standards shown in Figure 19-1.

## SECTION 190.1905 UNITS OF MEASUREMENT FOR DETERMINATION OF REQUIRED OFF-STREET PARKING AND LOADING AREAS

### A. Floor Area:

- (1) Where floor area is the unit for determining the required number of off-street parking spaces and loading spaces, said unit shall mean the gross floor area of the building.
- (2) Where net floor area is indicated as the unit of measure, the net floor area shall be determined by subtracting 15 percent of the gross floor area from the gross floor area.

B. **Places of Assembly:** In stadiums, sports arenas, church and other places of assembly in which any portion of the seating consists of benches, pews, or similar seating, each 18 inches of such seating shall be counted as one seat.

C. **Employees:** For requirements stated in terms of employees, the calculation shall be based upon the largest number of employees likely to be on the premises during any work shift.

## SECTION 190.1906 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Each use shall provide parking spaces according to the following schedule:

Use		Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
<b>A. Residential:</b>		
(1)	Single family, two family, or multiple family with three or more bedrooms	Two for each dwelling unit.
(2)	Multiple family with one or two bedrooms	Two for each two bedroom dwelling unit and 1½ for each one bedroom dwelling unit.
(3)	Efficiencies	One for each dwelling unit.
(4)	Mobile home parks	Two for each mobile home or mobile home site.
(5)	Elderly housing	For independent living units, two for each unit. For “interim” or “intermediate care” units, one for each two beds, plus one per employee.
<b>B. Institutional:</b>		
(1)	Churches or temples	One for each three seats.

Use		Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
(2)	Hospitals	One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors.
(3)	Nursing homes, homes for the aged and convalescent homes	One for each four beds, plus one for each staff doctor, plus one for each two additional employees.
(4)	Day care centers	Two spaces, plus one for every eight children licensed capacity.
(5)	Elementary and junior high schools	One per teacher plus one for each additional employee or administrator, plus requirements of the auditorium or assembly hall therein.
(6)	High schools	One for each teacher plus one for each ten students, plus one for each employee or administrator, plus requirements of the auditorium or assembly hall therein.
(7)	Theaters	One for each four seats plus one for each two employees.
(8)	Auditoriums and assembly halls	One for each three seats plus one for each two employees.
(9)	Stadiums, sports arenas or similar places of outdoor assembly	One for each three seats.
(10)	Dance and union halls, civic clubs, fraternal orders, conference rooms, exhibit halls, ballrooms or any similar type of use.	One space for every two persons allowed with the maximum occupancy load as determined by the building code in effect in the Village or one for each 100 square feet, whichever standard is more restrictive.
(11)	Private golf clubs, ski clubs, swimming clubs or beaches, tennis clubs, or similar uses.	One per every four persons of maximum anticipated capacity as determined by the building code in effect.
(12)	Golf courses open to the general public.	Five for each golf hole and one for each employee, plus amount required for accessory uses.
(13)	Libraries, museums and noncommercial art galleries	One parking space per 300 square feet of net usable area ("NUA")
<b>C. Business and Commercial:</b>		
(1)	Retail centers containing between 25,000 and 400,000 square feet	Four spaces per 1,000 square feet of Net Usable floor Area (NUA).
(2)	Retail centers containing between 400,000 and 600,000 square feet	Four and one-half spaces per 1,000 square feet of NUA.
(3)	Retail centers containing greater than 600,000 square feet	Five spaces per 1,000 square feet of NUA.

Use		Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
(4)	Other retail not otherwise specified herein	Five spaces per 1,000 square feet of NUA.
(5)	Furniture and home furnishing stores (not including appliance stores)	One for each 800 square feet of NUA.
(6)	Supermarket, self-service food or beverage shop.	One for each 200 square feet of NUA.
(7)	Motor vehicle and mobile home sales establishment	One for each 1,000 square feet of NUA, plus one for each employee.
(8)	Restaurants, taverns, bars, nightclubs	One space for each three persons allowed within the maximum occupancy load as established by the building code in effect plus one for each three employees.
(9)	Drive-in restaurants and self-service restaurants	One for each 2½ persons allowed within the maximum occupancy, plus one space for each employee on the largest shift.
(10)	Barber shops, beauty salons	Two for each barber or beauty operator chair/station plus one for every two employees.
(11)	Laundromats and coin operated dry cleaners	One for each two washing machines.
(12)	Auto wash establishments	One parking space per each employee, plus two on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit, for automatic automobile wash establishments. One parking space per each employee, plus two on-site waiting spaces at each wash-bay entrance for self service or coin-operated automobile wash establishments.
(13)	Commercial garages	Two for each service bay, plus one for each employee, plus one for each road service vehicle.
(14)	Gasoline service station, with or without convenience store	Two spaces for each service bay, plus one space for each employee, plus one space for each 200 square feet of retail area. A service bay in the area on each side of a gas pump may each count as one space.
(15)	Bowling alley	Five for each bowling lane, plus amount required for accessory uses.
(16)	Miniature or Par 3 golf course	Three for each hole, plus one for each two employees.
(17)	Video rental stores	One for each 100 square feet Gross Floor Area (GFA) plus one for each employee on largest shift.
(18)	Funeral home or mortuary	One for each 50 square feet in service parlors, chapels and reception areas plus one for each funeral vehicle maintained on the premises.

Use		Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
(19)	Hotel, motel or other commercial lodging establishment.	One space for each guest room, plus one for each two employees, plus amount required for accessory uses.
<b>D. Offices:</b>		
(1)	Banks, credit unions and savings and loan establishments	One for each 150 square feet of NUA, plus one for each employee, plus two for each automatic teller machine.
(2)	Business and professional offices, not otherwise specified herein	One for each 200 square feet of NUA.
(3)	Medical and dental offices or clinics.	One for each 150 square feet of NUA.
(4)	Office space in a retail shopping center occupying greater than 10% of the center's GLA.	One for each 500 square feet of GFA.
<b>E. Industrial:</b>		
(1)	Industrial or manufacturing establishment, research and testing labs	Two for each three employees computed on basis of maximum number employed at one time plus one for each company vehicle stored on the premises.
(2)	Warehouses, truck terminals	One for each employee based on shift with most employees.
(3)	Mini warehouse, storage	One space for each 2,000 square feet of floor area, plus one space for each 300 feet of office, but in no event less than four spaces.
<b>F. Barrier Free Parking Requirements:</b> Barrier free parking spaces shall be provided in accordance with the requirements of the Village Building Inspector.		
<b>G. Other Uses.</b> Where a use is not specifically listed in this Section 190.1906, the parking requirements of a similar use shall apply. The Zoning Administrator shall make such determination.		

## SECTION 190.1907 OFF-STREET LOADING REQUIREMENTS

### A. Commercial or Other Vehicles:

- (1) Parking of commercial vehicles in residential zoning districts which are rated over one ton capacity is prohibited.
- (2) Open storage of commercial vehicles over one ton capacity, including semi-trucks and trailers, mobile homes, tractors, bulldozers, earth movers, or other similar equipment is prohibited in any residential zoning district.



**B. Parking of Recreational Vehicles and Equipment:**

- (1) Unless parked or stored within an enclosed building, all recreational vehicles shall be parked or stored so that they are no closer than 20 feet to the edge of a public road right-of-way nor closer than five feet to any side or rear lot line in any residential zoning district.
- (2) Recreational vehicles shall not be parked or stored on a lot in any residential zoning district so as to obstruct vision of a driver entering a public street.

**SECTION 190.1908 COMMERCIAL DRIVEWAY STANDARDS**

- A. The throat width for any commercial driveway shall not exceed 30 feet, except boulevard type, divided driveways which shall not exceed 15 feet per side.
- B. Minimum curb radius at the intersection with a public street shall be 30 feet.

**SECTION 190.1909 STORM DETENTION/RETENTION**

- A. Whenever storm water detention or retention is required by the Muskegon County Drain Commission, such detention/retention facility shall also be designed to capture sediment and debris on site and to prevent siltation of drainage ditches and natural waterways, streams and lakes.

**SECTIONS 190.1910-1999 (RESERVED)**



## CHAPTER 20

### BOARD OF APPEALS

#### SECTION 190.2000 MEMBERSHIP

- A. The Board of Appeals shall consist of the Village Council, who shall serve as the Board of Appeals. However, the Village Council may appoint alternates to serve as Board of Appeals members in the event a regular member is unable to attend one or more meetings or has abstained for reasons of conflict of interest. Alternates may vote as members of the Board of Appeals but the alternates shall only function as Board of Appeals members, not Council members.
- B. **Conducting Business.** The Village Council, sitting as the Board of Appeals, shall not conduct business unless a majority of the regular members of the Village Council are present.

#### SECTION 190.2001 JURISDICTION OF THE BOARD OF APPEALS

- A. The Board of Appeals shall have jurisdiction as follows:
  - (1) Where it is alleged that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or other Village official as to the use of land, building or structure, the Board of Appeals may affirm, modify, or reverse the order, requirement, permit or decision. In doing so, the Board shall have the authority of the official from whom the appeal was taken.
  - (2) Where, by reason of the shape, topography or other extraordinary situation or condition of the land, building or structure, the literal enforcement of the requirements of this Ordinance would cause practical difficulties in the use or development of land, building or structure, the Board may grant a variance, if all of the standards of approval for the variance, as stated in Section 190.2004, are satisfied.
  - (3) The Board of Appeals shall not have jurisdiction over, nor may it hear appeals from, any special land use decision or planned unit development decision.
- B. The Board of Appeals shall have authority to interpret the text of the zoning ordinance and to determine the precise location of zoning district boundaries, in the case of uncertainty as to the location of such boundaries.
- C. The Board of Appeals shall hear, consider and decide all other matters which are referred to it by this Ordinance and applicable state law.

## **SECTION 190.2002 PROCEDURES OF THE BOARD OF APPEALS**

- A. The Board of Appeals shall adopt rules and regulations to govern its procedures and shall determine its own officers, except that the member from the Village Council shall not serve as Chairman.
- B. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may specify in its rules of procedure.
- C. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to revise any order, requirement, decision, or interpretation of the Zoning Administrator or provision of this Ordinance or to decide in favor of an applicant on any matter upon which they are required to pass or effect a variation of this Ordinance.
- D. All meetings shall be open to the public. All minutes shall be filed in the office of the Village Clerk and shall be made available upon request of interested parties.

## **SECTION 190.2003 APPLICATION AND HEARING PROCEDURES**

### **A. Filing of Appeal.**

- (1) An appeal shall be filed by any person or firm aggrieved with the Zoning Administrator on a form provided for that purpose.
- (2) A fee, the amount of which shall be set by the Village Council from time to time, shall be paid at the time of filing the Appeal.
- (3) The filing of an appeal shall stay all proceedings in furtherance of the action appealed, unless a stay would create imminent peril to life or property.

### **B. Public Hearings.**

- (1) The Board of Appeals shall fix a reasonable time for a public hearing on any application properly filed with the Board of Appeals, once the application is complete.
- (2) Notice of a hearing by the Board of Appeals on any application shall be given in the manner provided in Section 190.2306 of this zoning ordinance.

- C. The Zoning Administrator shall provide the Board of Appeals copies of all papers constituting the record upon which the action appealed was taken.

## **SECTION 190.2004 VARIANCES AND OTHER DECISIONS BY THE BOARD OF APPEALS**

- A. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board makes affirmative findings, based upon competent material and substantial evidence on the whole record, as to each of the following matters. As to a dimensional variance, being a variance regarding the dimensional characteristics of a lot, parcel or property or a variance because of exceptional topographic or other conditions of the land, buildings or structures, the Board must make findings as to each of the following matters based on no less than three affirmative votes. As to a use variance, being a variance from the provisions or requirements of this Ordinance because of the actual or proposed use of the property requested by the applicant, no less than two-thirds of the members of the Zoning Board of Appeals, being four affirmative votes, must find that based on competent material and substantial evidence on the whole record all of the following exist:
- (1) That the enforcement of the literal requirements of this Ordinance would cause unnecessary hardship, as to a use variance, or practical difficulties, as to a dimensional variance.
  - (2) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
  - (3) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
  - (4) That the authorizing of such variance will not be of substantial detriment to adjacent or nearby lands, structures or buildings, and will not be contrary to the spirit and purpose of this Ordinance.
  - (5) That the special circumstances or conditions referred to in subsection (2) do not result from the actions of the applicant.
- B. A nonconforming use of land, building or structure, whether legally nonconforming or not, shall not solely constitute grounds for granting of a variance.
- C. The Board of Appeals shall, when granting any variance, determine the variance is the minimum that will make possible the reasonable use of land, building or structure. To this end, the Board of Appeals may grant a lesser variance than that requested by the applicant, provided that the lesser variance also meets the standards of Section 190.2004.B.

- D. In granting any variance or any other ruling, the Board of Appeals may prescribe reasonable conditions and safeguards necessary to meet the intent of this Ordinance and ensure proper protection of adjoining properties and the neighborhood.
- E. In considering and deciding applications for variances and for other relief, the Board of Appeals shall record in its minutes, and may also record in resolution form, its findings of fact pertaining to the matter being considered, and also any terms and conditions placed upon its decision.
- F. The Board of Appeals shall decide all matters within a reasonable time. The Board may adjourn a hearing to any other date or location.
- G. Decisions of the Board of Appeals shall be final.

#### **SECTION 190.2005 VOIDING OF A VARIANCE**

- A. Whenever actions authorized by a variance area not commenced within one year of the date granted, the variance shall become null and void.
- B. No application for variance which has been denied in whole or in part shall be resubmitted to the Board of Appeals within one year of the date of denial, except on grounds of new evidence or proof of changed conditions.

#### **SECTION 190.2006 APPEAL OF BOARD OF APPEALS DECISION**

The decision of the Board of Appeals shall be final. Appeal from decisions of the Board of Appeals shall be to the Muskegon County Circuit Court, as provided by law.

#### **SECTION 190.2007 SPECIAL EXCEPTION FOR CERTAIN NONCONFORMING RESIDENTIAL USES.**

- A. The Board of Appeals shall not have jurisdiction to grant a variance for the use of land, building or structure, except that the Board shall have jurisdiction to grant a special exception authorizing the continuance, expansion or enlargement of a lawful, nonconforming residential use on a parcel of land in the C-1, C-2, C-3 or O District, if all of the following requirements for such special exception are complied with:
  - (1) The proposed continuance, expansion or enlargement of the lawful, nonconforming residential use shall not have the effect of substantially prolonging the nonconforming use.
  - (2) The granting of the special exception shall not result in a serious adverse effect on adjacent or nearby lands or the use of the public streets.
  - (3) There shall be substantial evidence that the granting of the special exception is a necessity for the continued reasonable use of the property.

The personal convenience of the property owner or user, or financial considerations, shall not be grounds for the granting of the special exception.





## **CHAPTER 21**

### **NONCONFORMING BUILDINGS AND USES**

#### **SECTION 190.2100. INTENT AND PURPOSE**

The intent and purpose of this chapter is to provide regulations concerning land uses, buildings and structures which were lawful prior to the adoption of this Ordinance, or prior to any relevant amendment thereof.

Under the terms of this chapter, land uses, buildings and structures which were lawful at the time of the adoption of this Ordinance or of any amendment thereto, may continue, even though such land use, building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

#### **SECTION 190.2101. NONCONFORMING USES**

- A. If, on the date of adoption of this Ordinance or on the date of adoption of any relevant amendment thereto, a lawful use of a lot or a parcel of land was occurring, but such use is not permitted under the terms of this Ordinance or under the terms of any relevant amendment, such use may continue so long as it is otherwise lawful.
- B. A nonconforming use shall not be enlarged, expanded or increased so as to increase or enlarge the nature or extent of the nonconformity, provided, however, that the Board of Appeals may in certain circumstances grant a special exception for the continuance, expansion or enlargement of a lawful nonconforming residential use in the commercial districts and the office district, as stated in Section 190.2007.
- C. A nonconforming use shall not be changed to another nonconforming use, except that the Board of Zoning Appeals, after public hearing, may approve a change to another nonconforming use, if the Board determines that the proposed other nonconforming use will be more conforming than the nonconforming use then existing. In granting any such approval, the Board of Appeals may impose reasonable terms and conditions on the proposed use.
- D. A nonconforming use shall not be re-established after it has been changed to a conforming use.
- E. A nonconforming use shall not be re-established after it has been discontinued for nine consecutive months.

#### **SECTION 190.2102. NONCONFORMING BUILDINGS AND STRUCTURES**

- A. If, on the date of adoption of this Ordinance, or on the date of adoption of any amendment thereto, a lawful building or structure exists, but the building or structure is no longer permitted under the terms of this Ordinance or under the

terms of any relevant amendment, such building or structure may continue so long as it remains otherwise lawful.

- B. A nonconforming building or structure may be maintained, repaired or restored to a safe condition, so long as such action does not increase the extent of the nonconformity; provided, however, that a nonconforming single family dwelling may be enlarged or expanded to the extent permitted in subsection C. of this section.
- C. A nonconforming building or structure shall not be enlarged, expanded or increased so as to increase or enlarge the nature or extent of the nonconformity, except as follows:
  - (1) An unenclosed porch or an unenclosed deck of a single family dwelling that is nonconforming because it does not comply with the minimum required front yard building setback may nevertheless be expanded or enlarged, or such an unenclosed porch or such an unenclosed deck may nevertheless be constructed, established and used; provided, however, that the front yard building setback of such unenclosed porch or such unenclosed deck shall not be less than the smallest front yard building setback of all of the lawfully nonconforming dwellings within the same block and on the same side of the street, except that if any such front yard building setback is less than 20 feet, it shall be deemed to be a front yard building setback of 20 feet, in which case the front yard building setback of the unenclosed porch or the unenclosed deck referred to in this subsection may be 20 feet, but may not be less than that number; and
  - (2) A single family dwelling that is lawfully nonconforming because its front yard building setback is less than that required by this Ordinance, but is at least 50 percent of the minimum required front yard building setback, may be expanded along the dimension of the building that is generally parallel to the street at the front of the dwelling, so long as no part of the front yard building setback is further reduced and so long as no part of the dwelling encroaches into any required minimum side yard building setback.
- D. A nonconforming building or structure shall not be re-established after it has been changed to a conforming building or structure.
- E. A nonconforming building or structure shall not be re-established in its nonconforming condition after damage or destruction by fire or natural disaster if the replacement cost of the nonconforming building or structure exceeds 50 percent of the fair market value of the building or structure prior to such damage or destruction; provided, however, that the Board of Zoning Appeals may approve the re-establishment of such nonconforming building or structure, after a public hearing, but only to the extent necessary to provide a reasonable use of the building or structure. In considering the approval of any such re-establishment of

a nonconforming building or structure, the Board of Appeals may impose reasonable terms and conditions.

### **SECTION 190.2103. NONCONFORMING LOTS OF RECORD**

- A. Where the owner of a single, nonconforming lot or parcel of record in existence on the effective date of this Ordinance does not own sufficient land to permit compliance with the requirements of this Ordinance relating to lot area, lot width, or both, such lot or parcel of record may nevertheless be used as a building site; provided, however, that the minimum side yard building setback shall, if less than that required by the zoning district in which the lot is located, be at least 10 percent of the lot width, but if such percent cannot be achieved, each side yard shall in any event be not less than five feet wide.



## **CHAPTER 22**

### **AMENDMENTS**

#### **SECTION 190.2200 INITIATION OF AMENDMENTS**

The Village Council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Districts Map or the written provisions of this Ordinance, Amendments to this Ordinance may be requested by the Village Council, Planning Commission or by any resident or property owner or authorized agent thereof within the Village. All proposed amendments shall be referred to the Planning Commission for public hearing and recommendation prior to consideration by the Village Council.

#### **SECTION 190.2201 AMENDMENT PROCEDURE; PUBLIC HEARING/NOTICES**

- A. Whenever an amendment is proposed, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the public hearing shall be given in the manner provided in Section 190.2306.
- B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the proposed amendment and shall report its findings and recommendations to the Village Council.
- C. Following receipt of the Planning Commission recommendation, the Village Council may accept, modify or reject the Planning Commission's recommendation. The Village Council may refer any amendment back to the Planning Commission for further consideration, stating the reasons for the referral in its motion.

#### **SECTION 190.2202 AMENDMENTS INITIATED BY A RESIDENT OR PROPERTY OWNER**

- A. Whenever a resident or property owner in the Village initiates an amendment to this Ordinance, the following information shall be included in the application for amendment:
  - (1) A legal description and street address of the subject property.
  - (2) A plot plan of the subject property showing dimensions and area of the lot or parcel in square feet or acres.
  - (3) The name and address of the property owner and a statement of the applicant's interest if not the property owner.
  - (4) The present zoning district and the zoning district requested.

**SECTION 190.2203 AMENDMENTS REQUIRED TO CONFORM TO A COURT DECREE**

Any amendment to this Ordinance for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Village Council, without referral to the Planning Commission or a public hearing.

**SECTIONS 190.2204-2299 (RESERVED)**

## **CHAPTER 23**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 190.2300 AUTHORITY**

The provisions of this Ordinance shall be jointly administered by the Village Planning Commission, Village Council and the Zoning Administrator in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as may be amended from time to time.

#### **SECTION 190.2301 ZONING ADMINISTRATOR**

- A. The Village Council shall employ a Zoning Administrator to administer this Ordinance.
- B. The Zoning Administrator shall have the power to grant certificates of zoning compliance, certain site plans, and to make inspections of premises necessary to carry out administration and enforcement of this Ordinance.
- C. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; and/or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

#### **SECTION 190.2302 CERTIFICATES OF ZONING COMPLIANCE**

- A. A permit for erection, alteration, moving, or structural repair of any building or structure shall not be issued until a certificate of zoning compliance has been issued by the Zoning Administrator. Issuance of such a certificate shall indicate the use(s) and plans for which the permit is requested comply with this zoning ordinance.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, until a certificate of zoning compliance shall have been issued by the Zoning Administrator.
- C. The Zoning Administrator shall maintain a record of all certificates of zoning compliance and said record shall be open for public inspection.
- D. Certificates of zoning compliance authorize only the use, arrangement, and construction set forth in an approved application and plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorize shall be deemed a violation of this Ordinance. Any change in approved plans shall occur only as provided for in this Ordinance and shall require issuance of an amended certificate of zoning compliance.

## **SECTION 190.2303 PERFORMANCE GUARANTEES**

- A. As a condition of any special land use permit or final site plan approval, the Planning Commission or Zoning Administrator shall determine a bond or other financial guarantee of a sum sufficient to assure the installation of required on-site improvements. Said bond shall include but shall not be limited to required landscaping, buffer zones and screens, fencing, fencing of refuse containers, driveway access to public street right-of-way, drainage improvements, sidewalks and similar items.
- B. Performance guarantees shall be processed in the following manner:
  - (1) Prior to filing of a final site plan for approval, the applicant shall prepare an itemized cost estimate of the required improvements listed in Section 190.2303.A. The cost estimate shall be reviewed by the Zoning Administrator or Planning Commission. The Village Council shall act in finality on each such performance guarantee. The performance guarantee shall cover 100 percent of the estimated cost of the required improvements.
  - (2) If approved, the Village Clerk or Zoning Administrator shall accept the performance guarantee and the Zoning Administrator shall issue a certificate of zoning compliance.
  - (3) The Village Clerk, in request of the party filing the performance guarantee, shall rebate portions of the performance guarantee upon determination of the Zoning Administrator that the improvements for which the rebate is requested have been satisfactorily completed.
  - (4) Upon completion of all required improvements, as certified by the Zoning Administrator, all remaining portions of the performance guarantee shall be returned by the Village Clerk to the party filing same.
  - (5) A record of all performance guarantees shall be maintained in the office of the Village Clerk.

## **SECTION 190.2304 APPLICATION FEES**

Before consideration of any application submitted to the Village in accordance with the requirements of this Ordinance, a fee shall be collected by the Village Clerk or Zoning Administrator. The fee shall be as set by the Village Council from time to time by resolution.



## **SECTION 190.2305 VIOLATIONS AND PENALTIES**

### **A. Notification:**

If the Zoning Administrator shall discover that any provisions of this Ordinance are being violated, he/she shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering action necessary to eliminate it. Written notice shall be personally served or sent by regular mail.

### **B. Municipal Civil Infractions:**

- (1) Any person, corporation or firm who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Board of Zoning Appeals or the Village Council issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
- (2) Any person, corporation or firm who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals or the Village Council issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.
- (3) Each day during which any violation continues shall be deemed a separate offense.
- (4) The foregoing penalties shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

## **SECTION 190.2306. PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING**

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered according to the requirements of this section.

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Village.
- B. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
  - (1) The applicant,
  - (2) All persons to whom real property is assessed within 300 feet of the property that is the subject to the application,
  - (3) The occupants of all structures within 300 feet of the property that is the subject of the application.

If the above-described 300-foot radius extends outside of the Village's boundaries, then notice must be provided outside of the Village boundaries, within the 300-foot radius, to all persons in the above-stated categories.

- C. The notice of public hearing shall include the following information:
  - (1) A description of the nature of the application or request.
  - (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
  - (3) A statement of when and where the application or request will be considered.
  - (4) Identify when and where written comments will be received concerning the application or request.

#### **SECTIONS 190.2307-2399 (RESERVED)**

## CHAPTER 24

### SITE CONDOMINIUMS

#### SECTION 190.2400 PURPOSE AND SCOPE.

- A. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for purposes of determining compliance with the requirements of the zoning ordinance and other applicable laws, ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the project’s location, any land use permitted by the Village Zoning Ordinance may be permitted in a site condominium project.

The purpose of this section is to ensure that plans for developments within the Village proposed under the provisions of the Michigan Condominium Act, shall be reviewed with the objective and intent of achieving the same or comparable characteristics achieved if the development and improvements therein were being proposed pursuant to the Land Division Act, Act 288 of the Public Acts of 1967, as amended. It is also the intent of this section to ensure that such development is in conformance with the requirements of this zoning ordinance, as amended, and other applicable Village Ordinances and state and federal regulations.

#### SECTION 190.2401 SITE CONDOMINIUM REVIEW AND APPROVAL PROCEDURES.

Application for review and approval of a site condominium shall be in accordance with the following procedures:

- A. **Conceptual Preliminary Review.** Prior to the formal application for a site condominium, the developer may meet with the Planning Commission. The purpose of this meeting is to inform the Planning Commission of the applicant’s intent to initiate a site condominium project. At or before this meeting, the applicant shall submit the following to the Village Clerk (or appropriate designee) who shall distribute it to all Planning Commission Members:
- (1) A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites;

and the relationship of the proposed project to adjacent streets and neighboring properties.

- (2) A statement regarding the provision of sewer service and water supply.

During the preliminary discussion meeting, the Planning Commission, based on the information available to it, may inform the applicant about the following:

- (a) General requirements of this section and other applicable provisions of the zoning ordinance.
- (b) Planned or anticipated sites of parks and recreation areas and other public uses.
- (c) Utility system capabilities.
- (d) Planned or anticipated public improvements, including streets, pedestrian and bikeways, utility extensions, and the like.
- (e) Street plans and potential problems relative to the natural features of the area including, but not limited to, flood plains, soil conditions, topography, and groundwater tables.
- (f) Additional information which may assist the applicant in proceeding in a reasonable and sound manner toward final approval of the site condominium project.

Conceptual preliminary review is intended for information purposes only and does not constitute approval.

**B. Preliminary Plan Review.**

- (1) **Submission Requirements.** Application for preliminary review of a site condominium project shall be made to the Village Clerk along with the appropriate fees as required by Village Council resolution. The application shall, at a minimum, contain the following information:
- (a) The applicant's name, address and phone number.
  - (b) Proof that the applicant is the owner of the property or has a legal or financial interest in the property.
  - (c) The name, address and phone number(s) of the owner(s) of record if different than the applicant.
  - (d) The legal description, address and tax parcel number(s) of the property.

- (e) Project description, including number of structures, dwelling units, square feet of building sites (lots), open spaces and estimated inhabitants, phasing, etc.
- (f) Gross size of the project in acres.
- (g) A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
- (h) A copy of the proposed Master Deed of the project and other condominium documents which are intended to be recorded with the Register of Deeds. Alternatively, these documents may be submitted at a later date, as the Planning Commission may direct.

The applicant shall provide at least ten copies of the preliminary plan and additional copies if deemed necessary by the Clerk. The plans shall contain the information outlined in Section 190.2403.

- (2) **Planning Commission Review.** The Planning Commission shall review the preliminary plan. If the preliminary plan meets the requirements of this Ordinance and all other applicable local, county, state and federal regulations, the Planning Commission shall recommend preliminary plan approval. The Planning Commission shall forward one copy of the preliminary plan along with a notation indicating its recommendation for preliminary plan approval and any other recommendations to the Village Council.

If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:

- (a) Recommend denial of the preliminary plan, setting forth the reasons in writing, or
- (b) Recommend granting approval of the preliminary plan, contingent upon completion of the revisions as noted.

- (3) **Village Council Review and Approval.** After receipt of the preliminary plan and recommendations from the Planning Commission, the Village Council shall consider the preliminary plan.

- (a) If the plan meets the requirements of this Ordinance, the Council shall grant preliminary plan approval. The Village Clerk shall sign the plan with the notation that it has received preliminary approval and the applicant shall be so notified.
- (b) If the preliminary plan substantially, but does not totally, meet the requirements of this Ordinance, the Village Council may grant conditional approval of the preliminary plan. This approval shall

be conditioned upon the submission of such changes or revisions as are determined to be necessary to complete the preliminary plan. Upon the submission of such changes or revisions to the Village Council, the Council shall grant approval of the preliminary plan and the applicant shall be so notified.

- (c) If the preliminary plan does not meet the requirements of this Ordinance, the Village Council shall deny preliminary approval and shall notify the applicant, and state the reasons for denial.

- (4) **Effect of Preliminary Approval.** Approval of a preliminary plan by the Village Council shall serve as conditional authorization to proceed with the project, including the sale of individual building sites on the basis of condominium ownership and the construction of the required general common elements to the plan. Preliminary plan approval shall not serve as approval for construction of buildings or other improvements on individual building sites.

**C. Final Plan Approval.**

- (1) Within two years from the date of Preliminary Plan approval, the applicant shall prepare and submit the necessary copies of the Final site condominium plan to the Village Clerk along with a completed application form and any fee established by the Village Council. The applicant shall also submit the following:
  - (a) Two copies of as-built plans of all required general common elements which shall be reviewed by the Village Engineer for compliance with applicable Village standards.
  - (b) A copy the Master Deed and Condominium Bylaws, which shall be submitted to the Village Attorney for review and approval prior to recording.
- (2) If all final plan documents are found acceptable, the Clerk shall submit the same to the Planning Commission.
- (3) The Planning Commission shall review the final plan and recommend to the Village Council that it be approved, rejected or approved with conditions. If any conditions are recommended, the Planning Commission shall adopt the same in a resolution or other motion, which shall be forwarded to the Village Council.
- (4) The Council shall approve or reject the final plan, or approve it upon the conditions recommended by the Planning Commission, or upon revised or additional conditions, and the Clerk shall then notify the applicant accordingly.

- (5) If the final plan is rejected by the Council, the Clerk shall notify the applicant, stating the reasons for denial in writing.
- (6) All Village approved provisions of the site condominium plans shall be incorporated, as approved, in the Master Deed for the condominium project. The plan must comply with all Village requirements. A copy of the Master Deed shall be recorded in the office of the Muskegon County Register of Deeds. A copy of the recorded Master Deed and Condominium Bylaws shall be provided to the Village Clerk within ten days after recording.

## **SECTION 190.2402 FINANCIAL GUARANTEE**

In lieu of completion of all required public or private improvements prior to the approval of the final plan, the Village Council may permit the developer to provide a financial guarantee of performance in one or a combination of the following arrangements. Completion of improvements shall be required prior to the issuance of occupancy and use permits for any dwelling; provided, however, that the Council may nevertheless authorize the issuance of occupancy and use permits for a dwelling, where all required improvements have not been fully completed, but in that event, the Council shall first require, and the Village shall receive from the Developer, an acceptable cash deposit, or performance bond with acceptable surety, or letter of credit, so as to assure the completion of all remaining improvements, within such time as specified by the Council, but upon the failure thereof, the Council may obtain such cash deposit or enforce upon such guarantees, so as to gain the necessary funds for the completion of such improvements.

### **A. Cash Deposit, Certified Check, Irrevocable Letter of Credit.**

- (1) A cash deposit, certified check, or irrevocable letter of credit shall be provided to the Village Treasurer.
- (2) The dollar value of the cash deposit, certified check, or irrevocable letter of credit shall be equal to the total estimated cost of construction of the specified public improvement.
- (3) In the case of either cash deposits or certified check, an agreement between the Village and the developer may provide for progressive payments out of the cash deposit or reduction of the certified check to the extent of the estimated cost of the completed portion of the public improvement.

### **B. Penalty for Failure to Complete the Construction of a Required Improvement.** In the event the developer shall, in any case, fail to satisfactorily complete the required construction of a required improvement within such period of time as required by the conditions of the guarantee for the completion of public improvements, the Village Council may declare the developer to be in default and require that all the improvement(s) be installed regardless of the extent of the

building development at the time of such default. The Village Council may obtain sums necessary for the cost and expense of such installation by appropriating the amounts necessary to complete the improvements from the cash deposit, certified check, or irrevocable letter of credit.

## **SECTION 190.2403 SITE CONDOMINIUM PLANS**

- A. **Required Content - Preliminary Plan.** The preliminary plan shall be drawn at a scale of not more than 100 feet to the inch and shall include or be accompanied by the following information:
- (1) The name of the project; the name and address of the developer; the name, address and seal of a registered surveyor or engineer preparing the plan; and a legal description of the property to be subdivided.
  - (2) A map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
  - (3) North arrow, scale, contour interval, and legend when appropriate.
  - (4) Contour elevations adjusted to USGS datum.
  - (5) Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
  - (6) The location of all existing streets, lots, plats, public utilities, drains, streams or bodies of water on/or abutting the property.
  - (7) The lot lines, intended layout, and intended use of the entire property owned or represented by the developer, including future phases. The following shall be included:
    - (a) Street right-of-way -- location, width and curve radii.
    - (b) Proposed street names.
    - (c) Building site lines, site dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten square feet.
  - (8) The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.
  - (9) The locations and proposed sizes of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, or lagoons.



- (10) Statements regarding:
  - (a) Intent to utilize public water or sewage facilities.
  - (b) Zoning and lot size requirements.
  - (c) Zoning requirements for front, side and rear yards.
  - (d) A summary of the total number of building sites, minimum and average building site sizes and the square footage of all limited and general common areas.
  - (e) Size and type of streets in accord with Village public and/or private street standards.
  - (f) Intent to install gas, sidewalks, street lights, and shade trees.
  - (g) Use of waterways, rivers, streams, creeks, lakes or ponds.
- (11) The location of all general and limited common elements.
- (12) The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the Master Deed.

**B. Required Content - Final Plan.** The final plan for a site condominium subdivision shall include:

- (1) A written application and payment of review fee.
- (2) The preliminary plan as originally approved by the Planning Commission and Village Council, and reflecting all required and approved amendments therein.
- (3) Proof of ownership of the land included in the final plan in the form of a certified abstract of title or a policy of title insurance.
- (4) One set of approved as-built or final construction plans for all required improvements to be kept on file by the Village.
- (5) One copy of the final Master Deed intended for recording.

**SECTION 190.2404 SITE CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND REQUIRED IMPROVEMENTS.**

**A. Conformity To Zoning.** All land uses and building sites within a site condominium subdivision project shall be subject to the requirements of the Village Zoning Ordinance for the zoning district in which it is located.

- B. **Streets.** All site condominium units shall be served by a public street system. All streets shall be constructed in accordance with applicable Village Ordinance requirements. All streets dedicated to the public shall be accepted by affirmative action of the Village council.
- C. **Water, Sanitary Sewer, Storm Drainage, Utilities, Sidewalks and Street Lighting.**
- (1) Site condominiums shall have public water and sanitary sewer systems and fire hydrants to no less than the standards applied to platted subdivisions.
  - (2) All electric, gas and cable television utilities, when provided, shall be installed underground within easements dedicated for such use.
  - (3) Storm drainage collection, retention, and detention facilities shall be constructed subject to approval by the Village Engineer.
  - (4) Sidewalks and street lighting constructed to Village standards and dedicated to the public shall be installed along all public streets unless such sidewalks or street lighting is not required by the Village.

## **SECTION 190.2405 AMENDMENTS**

### **Amendments to Condominium Plan.**

Minor changes to a preliminary plan or final plan may be approved administratively by the Zoning Administrator, provided that changes comply with all applicable requirements of this zoning ordinance and all other Village regulations or state law. Minor changes subject to administrative review include slight dimension changes, slight building, parking, and driveway relocation, changes in landscaping, signs, lighting, and decreases or increases in building size that do not exceed 5 percent of the gross floor area.

A major change to a plan shall comply with the approval procedures contained in this Chapter 24. Major changes include, but are not limited to an increase in the density or number of dwelling units or lots, an increase or decrease in the land area or building size, except as noted above, or an addition of other uses not authorized in the original plan. The Zoning Administrator shall determine if the requested changes constitute a major amendment and shall provide the Planning Commission and the Village Council with a record of any and all minor changes approved administratively.

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This Ordinance was originally adopted on November 9, 1996 by the Village Council of the Village of Ravenna. This text includes the amendments adopted as of December 11, 2017.

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Dee Dee Hazen, Clerk