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ARTICLE 1.0

INTRODUCTION

1.1 TITLE

This Ordinance shall be known as and may be cited as the “Village of Ortonville Zoning Ordinance,” and shall hereinafter sometimes referred to as “this Ordinance.” The Official Zoning Map, a part of this Ordinance, shall be known and may be cited as the “Village of Ortonville Zoning Map,” hereinafter sometimes referred to as “Official Zoning Map.”

1.2 INTENT AND PURPOSE

The intent and purpose of this Ordinance is to promote and protect the public health, safety, peace, and general welfare; promote, protect, and encourage zoning and land development objectives declared by the State of Michigan and courts; and promote and ensure the orderly, environmentally-sound, peaceful, and healthful development, and coexistence in and around the Village of Ortonville by incorporating provisions aimed at achieving the following:

- (A) Preventing the overcrowding of land and undue concentration of structures and uses by regulating the intensity of use of land and lot areas and determining the areas of open spaces surrounding buildings and structures necessary to protect adequate light, air, privacy, and convenience of access;
- (B) Reducing flooding and water pollution;
- (C) Protecting against explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, radioactivity, and other nuisances and hazards;
- (D) Protecting against fire and the spread of fire and facilitating the fighting of fires;
- (E) Managing and lessening the impacts of congestion on public streets;
- (F) Promoting the orderly and beneficial development of recreational, residential, commercial, industrial, and institutional areas within the Village, based on a consideration of the character and suitability of those areas;
- (G) Encouraging use of lands and natural resources in accordance with their character, adaptability, and suitability for particular purposes;
- (H) Encouraging adequate and economical provision of transportation, sewerage, drainage, water supply and distribution, education, recreation, and other public services and facilities;
- (I) Promoting adequate provision for the State’s citizens of food, fiber, energy, and other natural resources;
- (J) Allowing for an appropriate variety of recreational, residential, commercial, industrial, and institutional uses;
- (K) Conserving and preserving the value of land, buildings, and structures;

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- (L) Prohibiting uses or structures that are incompatible with the character of development, uses, or structures permitted within zoning districts;
- (M) Fixing reasonable standards with which all structures and uses shall comply;
- (N) Preventing additions to, alterations of, or remodeling of existing structures in a manner to avoid the provisions and limitations imposed by this Ordinance;
- (O) Providing for the completion, restoration, reconstruction, extension, or substitution of legally nonconforming structures, uses, and sites;
- (P) Establishing standards that are consistent with and promote the Master Plan; and
- (Q) Providing for the administration, enforcement, and amendment of this Ordinance.

1.3 AUTHORITY AND FINDINGS

- (A) ZONING ENABLING ACT. The Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 et seq), establishes the authority for local units of government to adopt comprehensive zoning regulations and empowers the Village to enact a zoning ordinance and provide for its administration, enforcement, and amendment.
- (B) NECESSITY. The Village has determined it is necessary to enact zoning regulations for the purpose of promoting the public health, safety, and general welfare.
- (C) MASTER PLAN COMPLIANCE. The Village has adopted a Master Plan intended to guide growth in a logical and orderly manner, which serves as the basis for this Ordinance.

1.4 SCOPE OF APPLICATION

The provisions of this Ordinance shall apply to all structures and uses in all zoning districts, unless noted otherwise.

- (A) SCOPE. This Ordinance shall be construed in such a manner as to best accomplish its intent and purpose. In interpreting and applying the provisions of this Ordinance, the standards shall be held to be the minimum necessary for the promotion of health, safety, convenience, comfort, prosperity, and general welfare and shall apply uniformly to each class or kind of structure, land, or use.
- (B) CONSTRUCTION. Structures, or portions thereof, shall only be erected, constructed, reconstructed, altered, or maintained as permitted by and in accordance with this Ordinance.
- (C) USES. New uses or changes of use shall only be made or maintained in any structure, property, or portion thereof as permitted by and in conformity with this Ordinance.
- (D) ACTIVE PERMITS. Any structure for which a permit has been issued before the effective date of this Ordinance may be completed and used in accordance with the plans and applications upon which the permit was granted, provided that construction must be completed within two (2) years of the effective date of this Ordinance.

(E) AREA. This Ordinance shall apply to all areas within the Village's zoning jurisdiction.

1.5 CONFLICTING LAWS

The provisions of this Ordinance shall be in addition to all other ordinances and regulations in effect within the Village.

- (A) MORE RESTRICTIVE. Where any conditions imposed by any provision of this Ordinance is either more or less restrictive than any condition imposed by any other provision of this Ordinance or any ordinance adopted under any other law, the provision that is more restrictive or that imposes a higher standard shall govern.
- (B) ABROGATE OR ANNUL. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard than such easement, covenant, or other private agreement, this Ordinance shall govern.

1.6 VALIDITY AND SEVERABILITY

- (A) VALIDITY. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, that ruling shall not affect any other parts of this Ordinance not specifically subject to the ruling.
- (B) SEVERABILITY. If a court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular property, district, use, building, or structure, that ruling shall not affect the application of that provision to any other property, district, use, building, or structure not specifically included in the ruling.

1.7 REPEAL

- (A) REPEAL. The Village of Ortonville Zoning Ordinance adopted **DATE**, with an effective date of November 27, 2011, shall be repealed upon the effective date of this Ordinance.
- (B) FUTURE ENFORCEMENT. The adoption of this Ordinance and repeal of previous ordinances shall not affect or prevent any pending or future prosecution of or action to abate any violations of any previous zoning ordinance if the violation is also a violation of this Ordinance.
- (C) PENDING ACTIONS. The adoption of this Ordinance shall not alter, limit, void, affect, or abate any pending litigation, administrative proceeding, or appeal that existed on the effective date of this Ordinance, order, permit, or decision that was based on the previous zoning ordinance repealed by this Section.

1.8 ENACTMENT

This Ordinance was adopted at a duly-noticed meeting of the Village Council on **DATE**, and it shall be effective at 12:01 am on **DATE**.

End of Article 1.0

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Zoning Districts and Map Article 2.0

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ARTICLE 2.0
ZONING DISTRICTS

2.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Provide for the establishment of zoning districts;
- (B) Provide for the establishment of a zoning map;
- (C) Provide guidance for interpretation of boundaries of zoning districts;
- (D) Establish guidance for the zoning of certain areas; and
- (E) Provide guidance for zoning of planned unit developments.

2.2 ESTABLISHMENT OF ZONING DISTRICTS

For the purposes of this Ordinance, the areas of the Village are hereby divided into the following zoning districts, which shall be known by the following titles and symbols.

Table x.x: Zoning Districts

Symbol	District Title	Article with Standards
Residential Districts		
R-1	Single-Family Residential	3.0
R-2	Village Residential	3.0
R-3	Mixed Residential	3.0
R-M	Multiple-Family Residential	3.0
RMH	Manufactured Housing	3.0
Commercial/Mixed Use Districts		
G	Gateway	4.0
D	Downtown	4.0
C	M-15 Corridor Commercial	4.0
W	Workplace	4.0
Other Districts		
NP	Natural Preserve	XX
P	Public	XX

2.3 OFFICIAL ZONING MAP

For the purposes of this Ordinance, the zoning districts are bounded and defined as shown on a map titled “Official Zoning Map of the Village of Ortonville,” which is a part of this Ordinance.

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- (A) BOUNDARIES. The boundaries of the zoning districts are defined and established as depicted in the Official Zoning Map.
- (B) SIGNATURE AND SEAL. The Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk. It shall also bear the Village Seal, effective date of this Ordinance, and the following text: "This is to certify that this is the Official Zoning Map referred to in the Ortonville Zoning Ordinance."
- (C) LOCATION. The Official Zoning Map shall be kept in the Ortonville Village Office and shall be available for public inspection.
- (D) DAMAGED MAP. If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to read, the Village Council shall adopt a new Official Zoning Map, as outlined in this Ordinance and State law, which shall replace the previous Official Zoning Map.
- (E) AMENDMENT OF MAP. The Official Zoning Map may be amended from time to time, as outlined in this Ordinance and State law. Such change shall be recorded on the Official Zoning Map and shall be identified by the signature of the Village President, attested by the Village Clerk. It shall also bear the Village Seal, effective date of the amendment to this Ordinance, and the following text: "This is to certify that this is the Official Zoning Map referred to in the Ortonville Zoning Ordinance."

2.4 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules of interpretation shall apply if uncertainty exists concerning the exact boundary of zoning districts in the Official Zoning Map.

- (A) CENTERLINE. A boundary indicated as approximately following the centerline of a street or watercourse shall be construed as following the centerline of the street right-of-way or watercourse.
- (B) LOT OR PARCEL BOUNDARY. A boundary indicated as approximately following a lot or parcel line shall be construed as following the lot or parcel line.
- (C) CORPORATE BOUNDARY. A boundary indicated as approximately following the corporate boundary line of the Village shall be construed as following the corporate boundary line.
- (D) WATERBODY. A boundary indicated as approximately following a shoreline shall be construed as following the ordinary high-water mark of that waterbody and, in the event of change in a shoreline, shall be construed as following the actual shoreline.
- (E) PARALLEL OR EXTENSION. A boundary indicated as approximately parallel to or an extension of features above shall be construed as being parallel to or an extension of the feature.
- (F) DISTANCE. A distance not specifically identified on the Official Zoning Map shall be determined by the scale of the map.

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2.5 ZONING OF VACATED, FILLED, AND ANNEXED AREAS

The following shall apply for the zoning of vacated, filled, and annexed areas.

- (A) VACATED AREAS. Whenever any street, alley, or other public way is vacated, the lands within the area being vacated shall be automatically placed in the zoning district of the lot to which the vacated area is attached.
- (B) FILLED AREAS. Whenever fill is placed in a waterbody or new land is created due to changes in a waterbody, the new lands shall automatically be placed in the same zoning district of the lot to which the new lands are attached or to zoning district adjacent to the new lands, if it is not attached to an existing lot.
- (C) ANNEXED AREAS. Whenever an area is annexed into the Village's zoning jurisdiction, the area shall be automatically placed in the same zoning district adjacent to the annexed area or to the zoning district most consistent with the zoning district in the previous zoning jurisdiction of the annexed area.

2.6 ZONING OF PLANNED UNIT DEVELOPMENTS

- (A) NOT ZONING MAP AMENDMENT. Approval of a planned unit development shall not be considered an amendment of the Official Zoning Map.
- (B) OFFICIAL MAP. The Official Zoning Map shall automatically be updated to identify the boundaries of an approved planned unit development.

2.7 SCHEDULE OF USES

Land and structures shall only be used for the uses specified below, unless otherwise permitted in this Ordinance.

- (A) DESCRIPTION. Whenever any street, alley, or other public way is vacated, the lands within the area being vacated shall be automatically placed in the zoning district of the lot to which the vacated area is attached.
 - (1) "P" identifies permitted uses.
 - (2) "S" identifies special land uses.
 - (3) "PA" identifies permitted accessory uses.
 - (4) "SA" identifies accessory special land uses.
 - (5) "-" identifies uses that are not permitted. Uses that are not listed are also not permitted.
 - (B) SCHEDULE OF USES. Uses are grouped into major categories. Only those uses listed under each category are permitted.
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Table **x.x**: Schedule of Uses

(1) Residential Uses	R-1	R-2	R-3	R-M	RMH	G	D	C	W	NP	P	§§
a) Accessory dwelling	PA	PA	PA	PA	PA	PA	SA	-	PA	PA	-	new
b) Child or adult family day care home	PA	PA	PA	PA	PA	PA-	-	-	-	-	-	new
c) Child or adult group day care home	SA	SA	SA	SA	SA	SA	-	-	-	-	-	new
d) Convalescent or nursing home			S	P		-	S	-	-	-	P	ex
e) Manufactured housing community or mobile home park	-	-	-	-	P	-	-	-	-	-	-	ex
f) Multiple-family dwelling (3-4 units)	-	-	S	P	-	S	P	-	-	-	-	ex
g) Multiple-family dwelling (5+ units)	-	-	-	P	-	-	P					ex
h) Single-family dwelling	P	P	P	S	-	P	S	-	-	-	-	ex/new
i) State-licensed residential facility (small)	P	P	P	P	-	P	-	-	-	-	-	ex
j) State-licensed residential facility (large)	S	S	S	S	-	S	-	-	-	-	-	ex
k) Townhouse	-	-	S	P	-	P	S	-	-	-	-	ex
l) Two-family dwelling	-	-	S	P	-	P	-	-	-	-	-	ex
m) Upper-story residential	-	-	-	-	-	P	P	P	P	-	-	new

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(2) Civic/Institutional Uses	R-1	R-2	R-3	R-M	RMH	G	D	C	W	NP	P	§§
a) College or university	-	-	-	-	-	-	S	P	S	-	P	
b) Cultural, municipal, or public use	P	P	P	P	P	P	P	P	P	P	P	
c) Day care center or nursery school	-	-	-	-	-	S	S	P	-	-	-	new
d) Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters, and related structures	P	P	P	P	P	P	P	P	P	P	P	new
e) Hospital	-	-	-	-	-	-	-	P	-	-	P	
f) Medical clinic	-	-	-	-	-	S	P	P	-	-	P	
g) Municipal equipment or material storage yard	-	-	-	-	-	-	-	-	P	-	P	
h) Municipal water treatment facility	-	-	-	-	-	-	-	-	-	P	P	
i) Municipal wastewater treatment facility	-	-	-	-	-	-	-	-	S	-	P	
j) Place of worship	S	S	S	S	-	P	S	S	S	-	P	ex
k) Police, fire, or emergency medical services station	S	S	S	S	-	-	P	S	S	-	P	
l) Polling place	P	P	P	P	P	P	P	P	P	P	P	
m) Primary or secondary school	-	-	-	-	-	-	-	-	-	-	P	
n) Public park or recreational facility	P	P	P	P	P	P	P	P	P	P	P	

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(3) Commercial Uses	R-1	R-2	R-3	R-M	RMH	G	D	C	W	NP	P	§§
a) Administrative or professional office	-	-	-	-	-	P	P	P	P	-	P	
b) Banks and financial institutions	-	-	-	-	-	-	P	P	-	-	-	
c) Bed and breakfast	S	S	S	S	-	S	S	-	-	-	-	new
d) Funeral home	-	-	-	-	-	-	P	P	P	-	-	
e) Home occupation	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	new
f) Kennel	S	S	-	-	-	-	-	-	-	S	-	
g) Laundromat	-	-	-	-	PA	-	P	P	-	-	-	
h) Lodging (<10 units)	-	-	-	-	-	S	P	P	-	-	-	
i) Lodging (10-20 units)	-	-	-	-	-	-	S	P	-	-	-	
j) Lodging (20+ units)	-	-	-	-	-	-	-	P	-	-	-	
k) Personal services	-	-	-	-	-	S	P	P	P	-	-	
l) Retail sales (indoor)	-	-	-	-	-	-	P	P	S	-	-	
m) Retail sales (limited outdoor)	-	-	-	-	-	-	S	P	S	-	-	ex
n) Retail sales (temporary outdoor)	-	-	-	-	-	-	PA	PA	-	-	-	new
o) Retail sales (unrestricted outdoor)	-	-	-	-	-	-	-	S	S	-	-	ex
p) Sexually-oriented business	-	-	-	-	-	-	-	S	S	-	-	ex
q) Short-term rental	S	S	S	-	-	S	S	-	-	S	-	new
r) Vehicle service (minor)	-	-	-	-	-	-	-	P	P	-	-	ex
s) Vehicle service (major)	-	-	-	-	-	-	-	S	P	-	-	ex
t) Veterinary clinic	-	-	-	-	-	S	S	P	P	-	-	ex

NO DRIVE-THROUGHS IN DOWNTOWN

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(4) Arts, Entertainment, and Recreation Uses	R-1	R-2	R-3	R-M	RMH	G	D	C	W	NP	P	§§
a) Commercial recreation (indoor)	-	-	-	-	-	-	P	P	S	S	-	ex
b) Commercial recreation (outdoor)	-	-	-	-	-	-	S	S	S	S	-	ex
c) Gallery or studio	-	-	-	-	-	P	P	P	S	-	-	
d) Health or fitness club	-	-	-	-	-	-	P	P	P	-	-	
e) Miniature golf	-	-	-	-	-	-	S	S	S	-	-	
f) Place of assembly (<20 persons)	-	-	-	-	-	S	P	P	-	-	-	
g) Place of assembly (20-74 persons)	-	-	-	-	-	-	S	P	-	-	-	
h) Place of assembly (75+ persons)	-	-	-	-	-	-	-	P	-	-	-	
i) Recreational facility for residents of a development	PA	PA	PA	PA	PA	PA	-	-	-	-	-	
j) Shooting range (indoor)	-	-	-	-	-	-	-	S	S	-	-	new
k) Theater	-	-	-	-	-	-	P	P	-	-	-	

(5) Food Service Uses	R-1	R-2	R-3	R-M	RMH	G	D	C	W	NP	P	§§
a) Bar or lounge	-	-	-	-	-	-	P	P	-	-	-	new
b) Carry-out restaurant	-	-	-	-	-	-	P	P	-	-	-	
c) Drive-in restaurant	-	-	-	-	-	-	-	P	-	-	-	
d) Fast-food restaurant	-	-	-	-	-	-	-	P	-	-	-	
e) Outdoor dining	-	-	-	-	-	-	PA	PA	PA	-	-	ex
f) Small distillery, microbrewery, or brewpub	-	-	-	-	-	-	S	P	P	-	-	

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g) Sit-down restaurant	-	-	-	-	-	-	P	P	-	-	-	
h) Tasting room	-	-	-	-	-	-	PA	PA	PA	-	-	

(6) Industrial Uses	R-1	R-2	R-3	R-M	RMH	G	D	C	W	NP	P	§§
a) Bulk propane sales and dispensing stations	-	-	-	-	-	-	-	-	S	-	-	new
b) Contractor establishment, equipment, or material storage yard	-	-	-	-	-	-	-	-	S	-	-	new
c) Distribution center	-	-	-	-	-	-	-	-	P	-	-	
d) Manufacturing, fabrication, and processing (light)	-	-	-	-	-	-	-	-	P	-	-	
e) Manufacturing, fabrication, and processing (heavy)	-	-	-	-	-	-	-	-	S	-	-	ex
f) Material recovery facility	-	-	-	-	-	-	-	-	S	-	S	
g) Outdoor storage	-	-	-	-	-	-	-	-	P	-	-	
h) Recycling collection center	-	-	-	-	-	-	-	-	S	-	P	
i) Self-storage facility	-	-	-	-	-	-	-	-	S	-	-	new
j) Utility substation	S	S	S	S	-	-	-	S	P	-	-	new
k) Warehouse	--	-	-	-	-	-	-	-	P	-	-	

(7) Temporary/Other Uses	R-1	R-2	R-3	R-M	RMH	G	D	C	W	NP	P	§§
a) Accessory building, structure, or use that IS customarily incidental to permitted or special land uses	PA-	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	ex

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b) Administrative building for residential developments	PA	PA	PA	PA	PA	PA	-	-	-	-	-	
c) Roadside farm market stand	=	=	=	=	=	=	P	P	=	=	=	new
d) Radio or television broadcasting, transmitting, or receiving facility	-	-	-	-	-	-	-	S	P	-	-	
e) Sign	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	ex/new
f) Wireless communication facility												ex/new

(C) INTERPRETATION. For specific uses that are not listed, the Zoning Administrator shall determine if that use is substantially similar in character and impact to any of the uses listed in the Schedule of Uses.

- (1) SIMILAR USE. If a specific use that is not listed is determined to be substantially similar in character and impact to a use in the Schedule of Uses, it shall then be subject to the same use and development standards as that similar, listed use.
- (2) NO SIMILAR USE. If a specific use that is not listed is determined to not be substantially similar in character and impact to any of the uses in the Schedule of Uses, it shall not be permitted.

End of Article 2.0

Remainder of Page left intentionally blank.

ARTICLE 3.0

RESIDENTIAL DISTRICTS

3.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Establish the intent and purposes of the residential districts;
- (B) Promulgate residential areas as envisioned in the Master Plan;
- (C) Ensure adequate space on properties for uses, structures, and other improvements;
- (D) Encourage appropriate use of the Village's residential areas;
- (E) Ensure compatibility between residential uses and developments and surrounding properties, uses, and the community; and
- (F) Establish use and developmental standards for residential districts.

3.2 DISTRICT INTENT AND PURPOSE

The intent and purpose of the residential districts is described below.

- (A) **SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT:** The intent and purpose of the Single-Family Residential (R-1) District is to:
 - (1) **RESIDENTIAL USES.** Provide opportunities for single-family residential uses;
 - (2) **OTHER USES.** Provide opportunities for accessory uses and compatible civic or institutional uses;
 - (3) **SIZE.** Provide lots that are larger than the traditional downtown residential neighborhoods; and
 - (4) **CHARACTER.** Foster a character consistent with the established single-family neighborhoods.
- (B) **VILLAGE RESIDENTIAL (R-2) DISTRICT.** The intent and purpose of the Village Residential (R-2) District is to:
 - (1) **RESIDENTIAL USES.** Provide opportunities for residential uses;
 - (2) **OTHER USES.** Provide opportunities for accessory uses and compatible civic or institutional uses;
 - (3) **SIZE.** Provide lots that are of a smaller size consistent with the historic downtown neighborhoods; and
 - (4) **CHARACTER.** Foster a character consistent with the established historic downtown neighborhoods.
- (C) **MIXED RESIDENTIAL (R-3) DISTRICT.** The intent and purpose of the Mixed Residential (R-3) District is to:

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- (1) RESIDENTIAL USES. Provide opportunities for a variety of residential uses;
 - (2) OTHER USES. Provide opportunities for accessory uses and compatible civic or institutional uses;
 - (3) SIZE. Provide lots that are adequate in size to support more-intensive residential uses but remain generally consistent with the character of the Village; and
 - (4) CHARACTER. Foster a character that provides a transition between lower-density residential areas and higher-density residential areas.
- (D) MULTIPLE-FAMILY RESIDENTIAL (R-M) DISTRICT. The intent and purpose of the Multiple-Family Residential (R-M) District is to:
- (1) RESIDENTIAL USES. Provide opportunities for residential uses, including attached dwelling units;
 - (2) OTHER USES. Provide opportunities for accessory uses and compatible civic or institutional uses;
 - (3) SIZE. Provide lots that are adequate in size to support multiple-family residential uses; and
 - (4) CHARACTER. Foster a character that is compatible with established residential and commercial areas.
- (E) MANUFACTURED HOUSING (RMH) DISTRICT. The intent and purpose of the Manufactured Housing (RMH) District is to:
- (1) RESIDENTIAL USES. Provide opportunities for alternative housing in manufactured housing communities in areas where demand has been demonstrated and appropriate public services are available;
 - (2) CHARACTER. Foster an environment that is compatible with surrounding uses.

3.3 RESIDENTIAL DEVELOPMENTAL STANDARDS

Structures and lots shall only be created and modified in a manner that complies with the developmental standards below, unless otherwise permitted in this Ordinance.

Table 3.1: Developmental Standards

Zoning District	Minimum Setbacks				Building-to-Building	Maximum Building Height	Maximum Building Coverage
	Front	Side	Rear	Waterbody			
R-1 Single Family Residential	30 feet	10 feet	35 feet	25 feet	10 feet	30 feet	25 percent
R-2 Village Residential	20 feet	5 feet	30 feet	25 feet	10 feet	30 feet	30 percent

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R-3 Mixed Residential	15 to 25 feet	10 to 20 feet	20 feet	25 feet	10 feet	30 feet	30 percent
RM Multiple Family Residential	25 feet	20 feet	30 feet	35 feet	15 feet	35 feet	35 percent
RMH Manufactured Housing	35 feet	35 feet	35 feet	50 feet	10 feet	20 feet	25 percent

- (A) SETBACK DESCRIPTION. Setbacks are the minimum required distance, measured horizontally, from a structure to lot lines and other features or improvements. See Article 26.0 Definitions for the complete description.
- (B) ACCESS EASEMENTS. Front-yard setbacks shall be measured from the edge of access easements.
- (C) SETBACK PROJECTIONS. Structures and lots shall only be created or modified and property lines shall only be created or modified in a manner consistent with the height and coverage outlined above, unless otherwise permitted by Section 7.6.
- (D) HEIGHT DESCRIPTION. The vertical distance measured from the finished grade to the highest roof surface or the average height between the drip edge and the peak for the highest roof surface for sloped roofs. See Article 26.0 Definitions for the complete description.
- (E) HEIGHT PROJECTIONS. Some structures or portions of structures may extend above the maximum height in Table 3.1, as allowed in Section 7.7.
- (F) BUILDING COVERAGE DESCRIPTION. The horizontal area of a lot that is covered by buildings, including breezeways and roofed porches, patios, and decks. See Article 26.0 Definitions for the complete description.

3.4 RESIDENTIAL LOT STANDARDS

Lots shall only be created or altered in a manner that complies with the lot standards outlined below, unless otherwise permitted in this Ordinance.

Table 3.2: Lot Standards

Zoning District	Minimum Lot Area	Minimum Lot Width
R-1 Single Family Residential	15,000 square feet	100 feet
R-2 Village Residential	8,712 square feet	66 feet
R-3 Mixed Residential	7,200 square feet	60 feet

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RM Multiple Family Residential	10,890 square feet	90 feet
RMH Manufactured Housing	2 acres	150 feet

3.5 SCHEDULE OF USES

Land and structures shall only be used for the uses specified in Section 2.6, unless otherwise permitted in this Ordinance.

End of Article 3.0

Remainder of Page left intentionally blank.

ARTICLE 4.0

COMMERCIAL DISTRICTS

4.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Establish the intent and purposes of the commercial and mixed-use districts;
- (B) Promulgate commercial and mixed-use areas as envisioned in the Master Plan;
- (C) Ensure adequate space on properties for uses, structures, and other improvements;
- (D) Encourage appropriate use of the Village's commercial and mixed-use areas;
- (E) Ensure compatibility between commercial and mixed uses and developments and surrounding properties, uses, and the community; and
- (F) Establish use and developmental standards for commercial and mixed-use districts.

4.2 DISTRICT INTENT AND PURPOSE

The intent and purpose of the commercial and mixed-use districts is described below.

- (A) GATEWAY (G) DISTRICT: The intent and purpose of the Gateway (G) District is to:
 - (1) RESIDENTIAL USES. Provide opportunities for single-family and limited two-family or multiple-residential uses;
 - (2) OTHER USES. Provide opportunities for compatible civic, institutional, office, and light commercial uses, and accessory uses that do not generate large volumes of traffic;
 - (3) SIZE. Provide lots that are of a size consistent with the historic downtown neighborhoods; and
 - (4) CHARACTER. Foster a character that reflects the importance of these areas as entrances to downtown.
 - (B) DOWNTOWN (D) DISTRICT. The intent and purpose of the Downtown (D) District is to:
 - (1) RESIDENTIAL USES. Provide opportunities for upper-level and more-intensive residential uses;
 - (2) OTHER USES. Provide opportunities for accessory uses and compatible civic or institutional uses;
 - (3) SIZE. Provide lots that are of a smaller size consistent with the historic downtown neighborhoods; and
 - (4) CHARACTER. Foster a character consistent with the established historic downtown neighborhoods.
 - (C) M-15 COMMERCIAL CORRIDOR (C) DISTRICT. The intent and purpose of the M-15 Commercial Corridor (C) District is to:
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- (1) RESIDENTIAL USES. Provide opportunities for a variety of residential uses;
 - (2) NONRESIDENTIAL USES. Provide opportunities for commercial and office uses that depend on and generate large volumes of traffic and accessory uses and compatible civic or institutional uses;
 - (3) SIZE. Provide larger lots that are adequate in size to support more-intensive commercial uses and necessary site improvements; and
 - (4) CHARACTER. Foster a character that provides a transition between lower-density residential areas and higher-density residential areas.
- (D) WORKPLACE (W) DISTRICT. The intent and purpose of the Workplace (W) District is to:
- (1) RESIDENTIAL USES. Provide opportunities for residential uses, including attached dwelling units;
 - (2) NONRESIDENTIAL USES. Provide opportunities for accessory uses and compatible civic or institutional uses;
 - (3) SIZE. Provide lots that are adequate in size to support multiple-family residential uses; and
 - (4) CHARACTER. Foster a character that is compatible with established residential and commercial areas.

4.3 DEVELOPMENTAL STANDARDS

Structures and lots shall only be created and modified in a manner that complies with the developmental standards below, unless otherwise permitted in this Ordinance.

Table 4.1: Developmental Standards

Zoning District	Minimum Setbacks				Building-to-Building	Maximum Building Height	Maximum Building Coverage
	Front	Side	Rear	Waterbody			
G Gateway (South)	10 to 20 feet	10 feet	30 feet	30 feet	10 feet	30 feet	n/a
G Gateway (Mill)	20 to 35 feet	10 feet	30 feet		10 feet	n/a	n/a
D Downtown	0 to 5 feet	0 feet	5 feet	30 feet	0 feet	35 feet	n/a
C M-15 Commercial Corridor	25 feet	10 feet	25 feet	30 feet	10 feet	30 feet	n/a
W Workplace	25 feet	10 feet	25 feet	35 feet	10 feet	40 feet	n/a

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- (A) SETBACK DESCRIPTION. Setbacks are the minimum required distance, measured horizontally, from a structure to lot lines and other features or improvements. See Article 26.0 Definitions for the complete description.
- (B) ACCESS EASEMENTS. Front-yard setbacks shall be measured from the edge of access easements.
- (C) SETBACK PROJECTIONS. Structures and lots shall only be created or modified and property lines shall only be created or modified in a manner consistent with the height and coverage outlined below, unless otherwise permitted by this Ordinance.
- (D) HEIGHT DESCRIPTION. The vertical distance measured from the finished grade to the highest roof surface or the average height between the drip edge and the peak for the highest roof surface for sloped roofs. See Article 26.0 Definitions for the complete description.
- (E) HEIGHT PROJECTIONS. Some structures or portions of structures may extend above the maximum height in Table 4.1, as allowed in Section 7.7.
- (F) BUILDING COVERAGE DESCRIPTION. The horizontal area of a lot that is covered by buildings, including breezeways and roofed porches, patios, and decks. See Article X Definitions for the complete description.

4.4 LOT STANDARDS

Lots shall only be created or altered in a manner that complies with the lot standards outlined below, unless otherwise permitted in this Ordinance.

Table 4.2: Lot Standards

Zoning District	Minimum Lot Area	Minimum Lot Width
G Gateway	10,000 square feet	80 feet
D Downtown	n/a	n/a
C M-15 Commercial Corridor	n/a	n/a
W Workplace	n/a	n/a

4.5 SCHEDULE OF USES

Land and structures shall only be used for the uses specified in Section 2.6.

End of Article 4.0

Remainder of Page left intentionally blank.

Article 5.0
Other Districts
(Place Holder)

ARTICLE 6.0

PLANNED UNIT DEVELOPMENT

6.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Permit flexibility in the regulation of land development.
- (B) Encourage innovation in land use and variety in design, layout and type of structures constructed.
- (C) Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
- (D) Encourage useful open space, and provide better housing, employment, and shopping opportunities particularly suited to the needs of residents.

6.2 GENERAL PROVISIONS

- (A) *Where permitted.* A PUD may be applied for in any zoning district.
- (B) *Uses permitted.* Any land use authorized in this chapter may be included in a PUD, subject to the adequate protection of public health, safety, and welfare to protect and ensure the compatibility of varied land uses both within and outside the development.
- (C) *Qualifications of subject parcel.* The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:
 - (1) The intent of section X.XX is met.
 - (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
 - (3) The proposed development shall be consistent with the public health, safety, and welfare of the village.
 - (4) The proposed development shall minimize any negative environmental impact of the subject site or surrounding land in comparison to a conventional development in conformance with current village standards.
 - (5) The proposed development shall minimize any negative impact upon surrounding properties in comparison to a conventional development in conformance with current village standards.
 - (6) The proposed development shall be consistent with the goals and policies of the village master plan.

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6.3 DESIGN CONSIDERATIONS

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- (A) Perimeter setbacks.
- (B) Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- (C) Underground installation of utilities.
- (D) Installation of separate pedestrian ways apart from vehicular streets and ways.
- (E) Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
- (F) Noise reduction and visual screening mechanisms from adjoining residential uses.
- (G) Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- (H) Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties or uses.
- (I) Screening and buffering with the respect to dimensions and character.
- (J) Yard areas and other open space.
- (K) Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
- (L) The preservation of natural resources and natural features.

6.4 PROJECT DENSITIES

(A) *Residential density.*

- (1) The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district or master plan future land use designation. However, a variable density bonus of up to 25 percent may be allowed at the discretion of the village council, upon recommendation of the planning commission. Projects qualifying for a density bonus shall include no less than two of the following elements:
 - a. A high level of clustered development, where at least 25 percent of the PUD is common usable open space or remains in an undeveloped state.
 - b. Providing perimeter transition areas or greenbelts around all sides of the development that are at least 50 feet in depth.

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- c. The proposed plan is designed to enhance surface water quality and ground water quality by addressing at least two stormwater best management practices (BMPs) as outlined by the Oakland County Water Resource Commission.
 - d. Provisions and design that preserve natural features.
 - e. Donation or contribution of land or amenities.
- (2) To establish bonus density, the application shall be required to submit a conventional zoning layout using the underlying zoning classification and demonstrating a practical project for the subject parcel applying to all village regulations.
 - (3) In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow denser development in an earlier phase, while ensuring appropriate overall density.
- (B) *Mixed-use project density.* For projects which contain a residential component, density shall be based upon the current village master plan, existing and planned residential densities in the surrounding area, the availability of utilities and the natural features and resource of the subject parcel.
- (C) *Nonresidential component.* A PUD may incorporate a nonresidential component into an exclusively residential development, provided that all of the following are met:
- (1) The nonresidential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the nonresidential land uses may not exceed twenty-five percent of the gross area of the development.
 - (2) All nonresidential uses shall be compatible with the residential area.
 - (3) The planning commission finds that the architectural design of the structure(s) is compatible with the balance of the development.
 - (4) All nonresidential structures are connected to a pedestrian access system servicing the project.
 - (5) All parking and loading areas serving the nonresidential uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the planning commission may allow up to 25 percent of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten feet on center.

6.5 DESIGN STANDARDS

(A) *Open space preservation.*

- (1) When completed, the PUD shall have significant areas, but not less than 20 percent of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use for active and/or passive outdoor recreational purposes. Priority shall be on preserving the most

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important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.

(2) Areas not considered open space. The following land areas are not considered as open space for the purposes of this article:

- a. The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.
- b. The area located below the ordinary high-water mark of an inland lake, river or stream, or any pond with standing water year round.
- c. The area within any manmade stormwater detention or retention pond. Stormwater detention ponds developed in a naturalized fashion that meets the best management practices (BMP's) of the Oakland County Water Resources Commission (OCWRC) shall be included in open space.
- d. The required front yard greenbelt. Side and rear yards may be included in the open space calculation.

(3) Maintenance.

- a. No PUD shall be approved by the village council until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreation facilities located within the development plan have been reviewed by the village attorney.
- b. The village shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the village council and the village attorney, with the documentation utilized for such purpose to be in a form approved by the village attorney. Any costs associated with enforcement can be assessed to the property owner.

(B) *Setbacks.* All regulations applicable to front, side and rear yard setbacks shall be met in relation to each respective land use in the development based upon zoning district regulations in which the proposed use is listed as a permitted principal or conditional use.

(C) *Buffering from adjacent property.* There shall be a perimeter setback and buffering of a minimum of 50 feet, taking into consideration the use or uses in and adjacent to the development. The village council, upon a recommendation of the planning commission, may reduce the perimeter setback and buffering in cases where the density of the proposed development is compatible with adjacent uses and/or natural features including, but not limited to woodlands and topographical features that provide adequate buffering to protect adjacent uses.

(D) *Vehicular and pedestrian circulation.*

- (1) Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.
- (2) Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.

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- (3) Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the natural features of the site. The village may require construction of a pathway of up to eight feet in width and constructed of concrete or asphalt in accordance with the village's non-motorized future improvement map of the master plan.
- (4) Locations for school bus stops shall also be provided on the site plan.
- (E) *Utilities*. There shall be underground installation of utilities, including electricity and telephone. Overhead utilities shall be prohibited.
- (F) *Stormwater drainage/erosion control*. All stormwater drainage and erosion control plans shall meet the standards adopted by the village for design and construction.

6.6 APPLICATION AND PROCESSING PROCEDURES

- (A) *Effects*. The granting of a PUD application shall require an amendment of the Zoning Ordinance and the zoning map constituting a part of this ordinance. An approval granted under this article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.
- (B) *Concept review meeting*. Prior to the submission of an application for PUD, the applicant shall meet with zoning administrator, a member of the planning commission, and such consultants or staff as deemed appropriate. Additional concept review meetings may be requested by the applicant or village representatives. The applicant shall present at such meeting, or meetings, a sketch plan of the PUD, and the following information:
 - (1) A legal description of the property in question.
 - (2) The total number of acres to be included in the project.
 - (3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 - (4) The approximate number of acres to be occupied and/or devoted to or by each type of use.
 - (5) Departures from the regulations of the ordinance which may be requested.
 - (6) The number of acres to be preserved as open space or recreation space.
 - (7) All known natural resources and natural features.
 - (8) The location of all existing and proposed water and sewage treatment systems serving the property.
- (C) *Preliminary PUD plan application—Submission and content*. Following the above meeting or meetings, X copies of the application and all required materials for preliminary PUD plan shall be submitted. The submission shall be made to the village clerk for distribution to the zoning administrator and applicable

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reviewing parties and agencies. The plan shall be accompanied by an application form and fee as determined by the village council. The preliminary PUD plan shall contain the following information:

- (1) Date, north arrow, and scale which shall not be more than 1" = 100'.
 - (2) Locational sketch of site in relation to surrounding area.
 - (3) Legal description of property including common street address and tax identification number.
 - (4) Size of parcel.
 - (5) All lot or property lines with dimensions.
 - (6) General location of all buildings within 100 feet of the property lines.
 - (7) General location and size of all existing structures on the site.
 - (8) General location and size of all proposed structures on the site. The general size of all buildings shall be within 5,000 square feet or five percent, whichever is smaller of whatever is constructed.
 - (9) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
 - (10) General size and location of all areas devoted to open space.
 - (11) Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - (12) All areas within the 100-year floodplain, wetland areas or bodies of water.
 - (13) Generalized topographical information including contours and/or spot elevations which illustrate drainage patterns.
 - (14) Preliminary phasing lines of PUD if applicable.
 - (15) A narrative describing:
 - a. The nature of the project, projected phases and timetable.
 - b. The proposed density, number, and types of dwelling units if a residential PUD.
 - c. A statement describing how the proposed project meets the objectives of the PUD District pursuant to section X.XX.
 - d. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - e. Proof of ownership or legal interest in property.
- (D) *Planning commission review and recommendation—Preliminary PUD plan.* The planning commission shall review the preliminary PUD plan according to the provisions noted within this section. Following the public hearing, the planning commission shall recommend to the village council either approval, denial, or approval with conditions. In making its recommendation, the planning commission shall find that the proposed PUD meets the intent of the PUD district and the following standards.
- (1) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

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- (2) The proposed development shall be compatible with the village master plan and shall be consistent with the intent and spirit of this article.
 - (3) The PUD shall not change the essential character of the surrounding area.
 - (4) The proposed PUD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the zoning administrator.
- (E) *Public hearing—Planning commission.* The planning commission shall hold a public hearing and give notice in accordance with the Michigan Zoning Enabling Act.
- (F) *Village council review and determination—Preliminary PUD plan.* After receiving the recommendation of the planning commission, the village council shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.
- (G) *Effect of approval—Preliminary PUD plan.* Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within 12 months of receiving preliminary PUD approval or the preliminary PUD application shall be considered null and void.
- (H) *Contents of the final PUD plan.* Following preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the zoning administrator. The plan shall be accompanied by an application form and fee as determined by the village council. The final PUD plan shall contain the same information required for the preliminary PUD plan along with the following information and any information specifically requested by the planning commission in its review of the preliminary PUD plan:
- (1) Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
 - (2) Proposed grading plan.
 - (3) Proposed landscaping including type, number and size of trees and shrubs.
 - (4) Location of signs and exterior lighting.
 - (5) Location of sidewalk, foot paths, or other pedestrian walkways.
 - (6) Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
 - (7) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
 - (8) Proposed phases of project and projected timetable.
 - (9) All information contained in section X.XX. of this ordinance.
- (I) *Planning commission review and recommendation—Final PUD plan and rezoning.* After receiving approval of the preliminary PUD plan from the village, the planning commission shall review the final PUD plan and rezoning application and shall recommend to the village council either approval, denial, or approval with conditions. In making its recommendation, the planning commission shall find that the

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proposed PUD still meets the intent of the PUD district along with all development standards outlined in this section.

- (J) *Village council review and determination—Final PUD plan and rezoning.* After receiving the recommendation of the planning commission and considering the comments from the public hearing, the village council shall make a motion stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
- (K) *Effect of approval—Final PUD plan and rezoning.* The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Oakland County Register of Deeds, which shall contain the following:
- (1) Date of approval of the final PUD plan by the village council.
 - (2) Legal description of the property.
 - (3) Legal description of the required green space along with a plan stating how this green space is to be maintained.
 - (4) A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the village council or planning commission unless an amendment thereto is duly approved by the village upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

6.7 RESOLUTION OF AMBIGUITIES AND CHAPTER DEVIATIONS

- (A) The village council, based upon the recommendation of the planning commission, shall resolve all ambiguities as to applicable regulations using this zoning chapter, the master plan and other standards or policies as a guide.
- (B) Notwithstanding the immediately preceding standards, deviations with respect to such regulations may be granted as part of the overall approval of the PUD provided there are features or elements demonstrated by the applicant and deemed adequate by the village council upon the recommendation of the planning commission designed into the project plan for the purpose of achieving the objectives of this article.

6.8 CONDITIONS

- (A) Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities
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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 protect the natural environment and conserving natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

- (B) Conditions imposed shall meet the following requirements be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this ordinance and be related to the objective of ensuring compliance with the standards of this ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.
- (C) Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the village council and the landowner. The village shall maintain a record of conditions which are changed.

6.9 PHASING AND COMMENCEMENT OF CONSTRUCTION

- (A) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the village council after recommendation from the planning commission.
- (B) *Commencement and completion of construction.* Construction shall be commenced within one year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the village. If construction is not commenced within such time, any approval of a PUD plan shall expire and be null and void, provided, an extension for a specified period may be granted by the village council upon good cause shown if such request is made to the village council prior to the expiration of the initial period. Moreover, in the event a PUD plan has expired, the village council, based on a recommendation from the planning commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

6.10 PERFORMANCE GUARANTEES

The planning commission may require a performance bond or similar guarantee in accordance with section X.XX in order to ensure completion of the required improvements.

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**6.11 MODIFICATIONS TO AN APPROVED PUD
PLAN**

A developer may request a change to an approved preliminary PUD plan, or an approved final PUD plan. A change in an approved preliminary PUD plan or change in an approved final PUD plan which results in a major change, as defined in this section, shall require an amendment to the preliminary PUD and final PUD plan. All amendment shall follow the procedures and conditions herein required for original submittal and review. A change which results in a minor change as defined in this section shall require a revision to the approved final PUD site plans and approval by the village council following review by the planning commission.

(A) The following changes shall be considered major:

- (1) Change in the concept of the development;
- (2) Change in use or character of the development;
- (3) Change in the type of dwelling unit;
- (4) Change in the number of dwelling units (density);
- (5) Change in nonresidential floor area;
- (6) Change in lot coverage or floor area ratio of the entire PUD;
- (7) Change in the character or function of any street;
- (8) Change in land area set aside for common space or the relocation of such areas; and
- (9) Change in building height.

(B) The following changes shall be considered minor:

- (1) A change in residential floor space;
- (2) Minor variations in layout which do not constitute major changes.

(C) The planning commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause as to any requested change.

End of Article 6.0

Remainder of Page left intentionally blank.

ARTICLE 7.0

GENERAL PROVISIONS

7.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Establish supplemental standards that apply to all uses, properties, structures, and zoning districts;
- (B) Prevent overcrowding of land and ensure adequate space for permitted uses;
- (C) Ensure structures and properties are safe; and
- (D) Preserve and promote the public health, safety, and welfare.

7.2 LOT CONFIGURATION

All lots shall be created or altered as outlined below, unless otherwise permitted in this Ordinance.

- (A) **CALCULATIONS.** Areas shall only be used once for calculation of lot area, frontage, setbacks, and other standards of this Ordinance.
- (B) **STANDARDS MAINTAINED.** Lots shall only be created or altered in a manner that is consistent with the lot area, frontage, setbacks, coverages, and other standards of this Ordinance.
- (C) **CORNER LOT FRONTAGE.** Corner lots shall have a lot frontage along each street that is at least twenty (20) percent greater than the required frontage for that zoning district.
- (D) **DEPTH-TO-WIDTH RATIO.** All lots shall have a lot depth less than or equal to four (4) times the lot width.

7.3 USES PER LOT

Lots shall be used as outlined below, unless otherwise permitted in this Ordinance.

- (A) **ONE USE.** Lots shall have a maximum of one (1) principal building, structure, or use, unless otherwise specifically permitted in this Ordinance.
- (B) **GROUPS.** Groups of buildings or similar uses within a single, integrated lot or site that share common features or elements shall be considered a single principal use for this Section.
- (C) **DWELLINGS.** There shall be a maximum of one (1) dwelling unit per lot, except for two-family dwellings, multiple-family dwellings, accessory dwellings, or as otherwise specifically permitted in this Ordinance. Single-family dwellings shall not be located on the same lot as any other principal building, structure, or use, unless otherwise specifically permitted in this Ordinance.

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7.4 USE CONFORMITY

All land, buildings, structures, and any parts thereof shall be used, altered, improved, and maintained in conformity with the provisions of this Ordinance. This Ordinance shall be deemed to be an “inclusive” or “permissive Ordinance;” only those uses and actions expressly authorized or enumerated shall be permitted.

7.5 STRUCTURES

All structures shall meet the following standards, in addition to other applicable standards of this Ordinance.

- (A) **ILLEGAL DWELLINGS.** The use of any portion of a garage, accessory building, tent, recreational vehicle, or a partially-completed building for dwelling or sleeping purposes shall be prohibited, unless otherwise specifically permitted in this Ordinance.
- (B) **MOVED STRUCTURES.** Structures that have been moved shall meet the developmental standards of the zoning district in which they are located, unless otherwise specifically permitted in this Ordinance.
- (C) **RAZED BUILDINGS.** Demolition of buildings shall meet the standards outlined below.
 - (1) **UTILITIES.** Shutoff notices from all of the affected utilities shall be provided before a permit may be issued for demolition.
 - (2) **DISPOSAL.** All of the demolition materials shall be disposed of in a solid waste facility approved by the State of Michigan or an appropriate recycling facility.
 - (3) **RESTORATION.** The lot shall be fully restored, with grading and seeding within thirty (30) days of demolition being completed. Seeding may be delayed until the next planting season if the ground temperature is or is likely to remain below fifty (50) degrees Fahrenheit.
 - (4) **SAFETY.** The area shall be appropriately secured during the demolition process.
 - (5) **PERFORMANCE GUARANTEE.** A performance guarantee may be required to ensure the demolition and restoration work is completed, as outlined in 16.6 Performance Guarantees.

7.6 SETBACK PROJECTIONS

Certain architectural features may project into required yards, as outlined below.

The aforementioned exempt structures and appurtenances shall not include commercial communication towers, as defined, and regulated by this chapter.

- (A) A deck, terrace or patio which is associated with a residential structure shall not occupy any required side or front yard area or any perimeter buffer required in a planned unit development, but shall be permitted to encroach in a required rear yard by no more than ten feet and shall be subject to the following restrictions:
 - (1) The portion of a deck which occupies the required rear yard shall not be above the elevation of the first floor of the residence;

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- (2) The portion of a deck, terrace or patio which occupies the required rear yard shall not contain any enclosed or covered structures, such as a gazebo or screened porch;
- (3) A deck, terrace or patio shall be subject to lot coverage limitations.

7.7 HEIGHT PROJECTIONS

Specific structures and structural elements may exceed the maximum height standards for the zoning district in which they are located, as outlined in the table below.

Table 7.1: Height Projections

Structure, Structural Element, or Appurtenance	Height Allowed	Notes
Decorative spire	60 feet	A, B
Cupola	3 feet above the roof line	A, C
Parapet wall	6 feet above the maximum building height	A, D
Mechanical Equipment	6 feet above the maximum building height	A
Lightning rod	3 feet above the roof line	A
Weathervane	3 feet above the roof line	A
Chimney	60 feet or 10 feet above the roof line, whichever is less	A
Public monument	40 feet	A
Building-mounted solar energy systems	1.5 feet above the roof surface	

- (A) SAFETY AND USE. In order to qualify for the additional height allowed in Table 7.1, Height Projections, there shall be adequate evidence that the adjacent structures and uses will not be threatened or harmed by the additional height and that the additional height shall not significantly increase the threat of fire.
- (B) DECORATIVE SPIRES. There shall be no habitable space within a spire in order to qualify for the additional height allowed in Table 7.1, Height Projections.
- (C) CUPOLAS. There maximum roof area of a cupola shall be limited to twelve (12) square feet, and there shall be a maximum of three (3) cupolas per building. A weathervane or lighting rod may be placed on a cupola.
- (D) PARAPET WALLS. Additional height allowed for parapet walls is limited to nonresidential and mixed-use buildings.

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7.8 STREETS AND ADDRESSES

Streets and address shall meet the standards outlined below, in addition to other applicable laws and regulations.

(A) STREET NAMES. Street names shall meet the standards outlined below.

- (1) UNIQUE NAME. Street names shall not duplicate the name of an existing street within the Village of Ortonville or the Fire Department's coverage area.
- (2) NAME CHANGE. Street names shall only be changed with the approval of the Village, the Fire Department, and Oakland County Central Dispatch.
- (3) STREET SIGNS. Street names shall be displayed at all intersections, with placement and signs consistent with the Michigan Manual on Uniform Traffic Control Devices.

(B) ADDRESSES. Street addresses shall be displayed as outlined below.

- (1) NEW OR ALTERED BUILDINGS. All newly-constructed or buildings that are altered in a manner that requires a zoning or building permit shall display their street address in a manner clearly visible from the adjacent street.
- (2) BUILDINGS OPEN TO PUBLIC. All buildings that are or are intended to be occupied by the public shall display their street address in a manner clearly visible from the adjacent street.
- (3) MULTIPLE UNITS. Lots, sites, and buildings with multiple units shall have the building number, address, or unit number clearly visible on every building and each unit entrance.
- (4) CONSTRUCTION. Addresses shall be clearly visible before construction begins.
- (5) SIZE. Address numerals for residential uses shall be at least four (4) inches tall. Addresses numerals for nonresidential uses shall be at least six (6) inches tall.
- (6) APPEARANCE. Address numerals shall be a color that contrasts with the background surface.

7.9 ESSENTIAL SERVICES

Essential services shall meet the standards outlined below, in addition to other applicable regulations.

(A) PERMITTED. Essential services shall be permitted in any zoning district as authorized under any franchise granted by the Village, subject to applicable statutes, ordinances, rules, and agreements. This shall not apply to buildings, depot yards, substations, or gate valve stations.

(B) NEW DEVELOPMENT. Utilities installed for new developments shall be installed underground, unless it is not feasible to do so.

End of Article 7.0

Remainder of Page left intentionally blank.

ARTICLE 8.0

SPECIFIC USE STANDARDS

8.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Establish supplementary standards for specific uses that may have an impact on adjacent properties, the surrounding area, or the community in general because of the characteristics of the use;
- (B) Establish additional location, development, and operation standards to mitigate the potential impacts of specific uses;
- (C) Ensure specific uses will be compatible with surrounding uses;
- (D) Promote orderly development in the Village; and
- (E) Ensure consistency with the Master Plan.

8.2 GENERAL PROVISIONS

The following general provision shall apply to the specific uses in this Article.

- (A) **MULTIPLE USES.** When there are multiple uses on a lot when permitted by this Ordinance, each use shall meet the standards outlined in this Article and shall require separate review and approval, unless otherwise stated. If there are conflicting standards, the stricter standard shall apply, unless otherwise stated.
- (B) **OTHER STANDARDS.** The standards for specific uses in this Article are supplementary to other standards of this Ordinance, such as zoning district standards, general provisions, off-street parking and loading, landscaping standards, lighting standards, and environmental standards.

8.3 RESIDENTIAL USES

The following specified residential uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **SINGLE-FAMILY DWELLINGS.** Single-family dwellings shall meet the additional standards outlined below.
 - (1) **BUILDING WIDTH.** The minimum front, side, and rear building façade width shall be twenty (20) feet at ground level.
 - (2) **FOUNDATION.** Single-family dwellings shall be firmly attached or anchored to a permanent foundation.

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- (3) WATER. Single-family dwellings shall be connected with a water supply approved by the Environmental Health Division.
 - (4) SANITARY SEWER. Single-family dwellings shall be connected with a septic system approved by the Environmental Health Division, or a sanitary sewer system approved by the operating authority.
- (B) TWO-FAMILY DWELLINGS. Two Family dwelling units are permitted subject to the following:
- (1) Minimum lot area shall be fifteen thousand square feet.
 - (2) Minimum road frontage and lot width of one hundred feet.
 - (3) Adequate on-site vehicular parking facilities.
 - (4) Compliance with all other area and dimensional regulations, e.g., yard setbacks applicable to single-family residential.
- (1) BUILDING WIDTH. The minimum front, side, and rear building façade width shall be at least twenty (20) feet at ground level.
 - (2) FOUNDATION. Two-family dwellings shall be firmly attached or anchored to a permanent foundation.
 - (3) DRIVEWAYS. Two-family dwellings with access from a public street shall have a single or shared driveway where it accesses the street, unless topography, site lines, or other conditions make a single or shared driveway impractical.
 - (4) ENTRYWAYS. Each dwelling unit in a two-family dwelling shall have its own exterior entrance.
- (C) MULTIPLE-FAMILY DWELLINGS. Multiple-family dwellings shall meet the additional standards outlined below.
- (1) FOUNDATION. Multiple-unit dwellings shall be firmly attached or anchored to a permanent foundation.
 - (2) WATER. Each dwelling unit in multiple-unit dwellings shall be connected with a water supply approved by Environmental Health Division.
 - (3) SANITARY SEWER. Each dwelling unit in multiple-unit dwellings shall be connected with a septic system approved by the Environmental Health Division or a sanitary sewer system approved by the operating authority.
 - (4) DRIVEWAYS. All multiple-family dwellings with access from a public or private street shall have a single or shared driveway where it accesses the street, unless topography, site lines, or other conditions make a single or shared driveway impractical.
 - (5) PEDESTRIAN ACCESS. Concrete sidewalks, paved pathways, or similar pedestrian access shall be provided between building entrances, off-street parking, and any adjacent sidewalks. Pedestrian access shall be designed to be barrier free.
 - (6) RECREATION AREAS. Passive or active recreation areas, such as seating areas, playgrounds, swimming pools, trails, or picnic areas, shall be provided.
- (D) ACCESSORY DWELLINGS. Accessory dwellings shall meet the additional standards outlined below.
- (1) FLOOR AREA. The maximum gross floor area for an accessory dwelling unit. In no case shall the gross floor area be larger than the gross floor area for the primary dwelling.
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- (2) FOUNDATION. Accessory dwelling units shall be firmly attached or anchored to a permanent foundation.
- (3) APPEARANCE. Accessory dwelling units shall have an appearance that complements the exterior of the primary dwelling.
- (4) TYPES. Accessory dwelling units may be created by converting existing space within a building, adding floor area to an existing dwelling, constructing an accessory building, or adding floor area to an existing accessory building.
- (5) OWNER OCCUPIED. Either the primary dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property, unless otherwise permitted in this Ordinance.
- (6) NUMBER. There shall be a maximum of one (1) accessory dwelling unit on any lot.

(E) HOME OCCUPATIONS.

- (1) No article or service shall be sold or offered for sale on premises, except to the extent that the same is produced by the home occupation.
- (2) The home occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.
- (3) ZBA consideration and approval of a particular use shall be required in order to establish a home occupation.
- (4) A home occupation shall not occupy more than 20% of the usable floor area of the principle building or more than 50% of an accessory building.

(F) Dwelling unit floor area.

The minimum floor area per dwelling unit shall be as follows:

Type of Dwelling Unit	First Floor Area (in square feet)	Total Floor Area (in square feet)
Single-family		
One story	1,000	1,000
One and one-half stories	850	1,000
Two stories	800	1,600
Two- and multiple-family		
Efficiency/one bedroom	N/A	600
Two bedroom	N/A	800

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Three bedroom	N/A	1,000
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8.4 CIVIC AND INSTITUTIONAL USES

The following specified civic and institutional uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

(A) PLACES OF WORSHIP.

- (1) Buildings of greater than the maximum height allowed in the district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
- (2) At least one boundary of the lot upon which the church is to be constructed shall border a street designed as a collector thoroughfare having an existing and/or planned right-of-way of at least sixty-six feet in width.

8.5 COMMERCIAL USES

The following specified commercial uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

(A) SHOPPING CENTERS.

- (B) INDOOR COMMERCIAL RECREATION.** Determination that the activity conducted will not endanger those participating and/or adjoining uses and/or vehicular and/or pedestrian traffic as a result of the location of the use in relation to thoroughfares, adjoining uses, and the like.

OUTDOOR COMMERCIAL RECREATION.

- (1) The property in question shall not share a common boundary line with land zoned for residential purposes.
- (2) All driveway approaches, curbs, curb cuts and road drainage shall meet the requirements of all agencies having jurisdiction.
- (3) Devices for the transmission or broadcasting of voices or music shall be directed and muffled in such a manner as to reasonably prevent sounds or music from being audible beyond the boundary of the property in question. Noises generated by the operation of the use shall comply with the performance standards for noise contained in *Chapter x.x* No transmission of noise (including voices or music) is permitted after 10 pm.

(C) OUTDOOR DINING.

- (1) No music or other noises generated by the operation of an outdoor dining area shall be audible on adjacent residential properties before 4 pm or after 10 pm. Music or other noises generated by the

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operation of the outdoor dining area shall comply with the performance standards for noise contained in [Chapter 5.2](#).

- (2) Outdoor dining areas are exempt from parking regulations and shall not be included in calculations for minimum parking requirements.

(D) ADULT USES.

- (1) **Intent and Purpose.** In the development and execution of this Ordinance, it is recognized, based upon studies undertaken and reported by other communities, that there are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances thereby having a deleterious effect upon adjacent areas, as well as the community as a whole. Relying on such studies, the Village Council has concluded that special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

- (2) **Regulated Uses.** The following uses are considered "regulated uses" for the purposes of this Section:

(a) Adult Uses, including the following:

- i. Adult Arcade, defined as a place to which the public is permitted or invited to view motion pictures, video or laser disc pictures or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
- ii. Adult book stores, adult novelty store or adult video store, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- iii. Adult cabaret, defined as a night club, bar, restaurant, or similar commercial establishment which regularly features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- iv. Adult motion picture theater, defined as a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- v. Adult theater, defined as a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-

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nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"

- (b) *Motels* defined as an establishment for temporary lodging where each individual room has a main entry door on the exterior of the building or where the rooms are advertised for rent for less than a twelve (12) hour period of time, or both.
- (c) *Pawnshops*, as contemplated in Act No. 273 of the Public Acts of 1917, as amended and/or Act No. 231 of the Public Acts of 1945, as amended.
- (d) *Pool and billiard halls*.
- (e) *Precious metal and gem dealers*, as contemplated under Act 95 of the Public Acts of 1981, as amended.
- (f) *Second-hand dealers*; defined as any person, corporation, partnership, firm or other entity, a substantial portion of whose business is that of purchasing, storing, exchanging, and receiving second-hand property of any kind or description, excepting businesses whose primary products are bona fide antiques.
- (g) *Tattoo Parlors and Body Piercing Establishments*;
- (h) *Sole Use Tobacco Shops*;

(3) Other Definitions

- (a) *Nudity* or a *state of nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering or any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state.
- (b) *Semi-nude* or *semi-nude condition* means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- (c) *Specified anatomical areas* means: the human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
- (d) *Specified sexual activities* means any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, masturbation, or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

(4) Dispersal Requirement. In addition to compliance with the other provisions of this Ordinance, the following apply to regulated uses:

- (a) No regulated use may be located within 1,000 feet of another regulated use; and

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- (b) No regulated use may be located within 250 feet of any residential zoning district, school property, church, public park, or other use which is primarily oriented to youth (less than 18 years of age) activities. Existing structures and/or uses which are in violation of this Section shall be subject to the regulation set forth in *Chapter 6.6* of this Ordinance, governing non-conforming structures and uses.

(E) RETAIL SALES, UNRESTRICTED OUTDOOR.

(1) **Setbacks.**

- (a) Display areas shall have a minimum 10-foot front yard setback and shall meet the side and rear setback requirement applicable to principal buildings in the zoning district.
- (b) Storage areas. The outdoor storage of operative automobiles and other products for sale shall not be in any required yard and shall be handled and stored so as to present an orderly, planned, efficient operation at all times. Any area used for storage of products for sale shall be effectively hidden from any area zoned for residential use by an obscuring fence or wall not less than six (6) feet in height.

- (2) **Vehicle Sales Lots.** All areas subject to vehicular use, display, or storage shall have a concrete surface with appropriate bumper guards where needed.

(F) RETAILS SALES OR STORAGE OUTDOOR LIMITED. Areas for outdoor display of merchandise associated with a principal retail sales use may require screening, depending on the nature of the outdoor sales use. Outdoor sidewalk sales areas in the D district will not require screening, but an outdoor sales area attached to a nursery or garden center would require screening. The screening requirement shall be determined by the official or body reviewing the application.

VEHICLE SERVICE MINOR. Vehicular service stations are subject to the following:

- (1) The lot for the automobile service station shall have one hundred sixty(160) feet of frontage on the principal streets serving the station.
- (2) The lot shall contain an area of not less than fourteen thousand (14,000) square feet.
- (3) All buildings shall be set back not less than fifty (50) feet from right-of-way lines.
- (4) Curbs, curb cuts, driveway widths, acceleration or deceleration lanes shall meet the requirements of all agencies having jurisdiction.
- (5) No structure shall be located closer than one hundred (100) feet from any residentially zoned land.
- (6) Gasoline storage tanks shall be located no closer than one hundred (100) feet from any property line.
- (7) Pump islands shall be located no closer than twenty-five (25) feet from any property line.
- (8) All trash, waste and/or discarded material shall be screened from view and confined so as to be completely contained within an enclosure, and the site plan shall make provision to insure compliance with this subparagraph.

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(G) VETERINARY OFFICES.

- (1) All facilities shall be completely enclosed in a building in such a manner as to produce no offensive odor or audible sound at the lot line.
- (2) Refuse storage and disposal shall be accomplished by an adequate and enclosed unit, maintained in a location and under such circumstances that the same is not visible to the general public and not a nuisance.

8.6 INDUSTRIAL USES

The following specified industrial uses shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

(A) INDUSTRIAL USES WITH POTENTIAL OFF-SITE IMPACT.

- (1) The site shall not share a common boundary with any residential zoning district.
- (2) Devices and controls adequate to meet the standards enumerated in this Ordinance relative to sound, vibration, smoke, odor, and/or grass shall be installed.
- (3) The front, rear, and side yard setback requirements shall be two (2) times the applicable requirements in the W district.

(B) OUTDOOR STORAGE YARD.

- (1) The site shall not share a common boundary with any land in a residential district.
- (2) On those sides abutting any public thoroughfare, storage is permitted if surrounded by an obscuring wall constructed to a minimum height so as to screen the stored item having the greatest height on the property.

8.7 OTHER USES

(A) WIRELESS COMMUNICATION FACILITIES.

- (1) **Purpose and Intent.** It is the general purpose and intent of the Village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Village to provide for such authorization in a manner which will retain the integrity of the neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Section to:
 - (a) Facilitate adequate and efficient provision of sites for Wireless Communication Facilities.
 - (b) Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of Wireless Communication Facilities, subject to applicable Village standards and conditions.

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- (c) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
 - (d) Ensure that Wireless Communication Facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings.
 - (e) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 - (f) Promote the public health, safety, and welfare.
 - (g) Provide for adequate information about plans for Wireless Communication Facilities in order to permit the community to effectively plan for the location of such facilities.
 - (h) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
 - (i) Minimize the negative visual impact of Wireless Communication Facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
 - (j) The Village Council finds that the presence of numerous towers and/or pole structures, particularly if located within or abutting residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous towers and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare.
- (2) **Permitted Uses.** Subject to the standards and conditions set forth in subsection 5.a., Wireless Communication Facilities shall be permitted uses in the following circumstances:
- (a) An existing structure which will serve as an Attached Wireless Communication Facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Building Inspector, proposed to be either materially altered or materially changed in appearance.
 - (b) A proposed co-location upon an Attached Wireless Communication Facility which had been pre-approved for such co-location as part of an earlier approval by the Village.
 - (c) An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Building Inspector, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

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- (3) **Special Land Uses.** Subject to the standards and conditions set forth in subsections 5.a and 5.b, wireless communications facilities may be authorized as a special land use in the following locations:
- (a) Within the C zoning district.
 - (b) On municipal, school, or other governmentally owned property.
- (4) **Special Land Uses in Non-Permitted Districts or Zones.** If it is demonstrated by an applicant that there is no reasonable difference of opinion that a Wireless Communication Facility may not reasonably be established as a permitted use under subsection 2, or as a special land use under subsection 3, a Wireless Communication Facility may be permitted elsewhere in the Village as a special land use, subject to all the criteria and standards of subsection 5.
- (5) **General Regulations**
- (a) **Standards and Conditions Applicable to All Facilities.** All applications for Wireless Communication Facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed, and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its direction.
 - i. Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
 - ii. Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a Certification of Compliance by the applicant's licensed engineer.
 - iii. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - iv. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure) which in no event shall exceed 195 feet. Any accessory building contemplated to enclose such things as switching equipment, shall be limited to the maximum height for accessory structures of buildings within the respective district.
 - v. The setback of the support structure from any residential district shall be at least the one and one-half (1 1/2) times the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
 - vi. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structures, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located and otherwise sufficient, taking into account the information required by Subsection 6.c.

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- vii. There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- viii. The division of property for the purpose of locating a Wireless Communication Facility is prohibited unless all zoning requirements and conditions are met.
- ix. Where an Attached Wireless Communication Facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be visually and architecturally compatible with the principle building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard set-backs. For co-location facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
- x. The design and appearance of the support structure and equipment enclosure shall minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the Wireless Communication Facility in a neat and orderly condition.
- xi. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geo-technical engineer, license in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- xii. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long-term, continuous maintenance to a reasonably prudent standard.
- xiii. The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.
- xiv. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a license operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a Wireless Communication Facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire

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unless the applicant granted tentative approval demonstrates that it would not be feasible for it to co-locate on the facility that has been newly granted final approval.

- (b) Standards and Conditions Applicable to Special Land Use Facilities. Applications for Wireless Communication Facilities which may be approved as special land uses under subsection 3, shall be reviewed, and if approved, constructed, and maintained, in accordance with the standards and conditions in subsection 5.a, the following additional standards:
- i. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - (1) Proximity to an interstate or major thoroughfare.
 - (2) Areas of population concentration.
 - (3) Concentration of commercial, industrial, and/or other business centers.
 - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (6) Other specifically identified reason(s) creating facility need.
 - (7) The proposal shall be reviewed in conformity with the co-location requirements of this Section.
- (c) Standards and Conditions Applicable to Special Land Uses in Non-Permitted Districts or Areas. For facilities which are not permitted uses under subsection 2 and proposed to be located outside of a district or area identified in subsection 3, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in subsections 5.a and 5.b.
- i. At the time of the submittal, the applicant shall demonstrate that a location within a designated district or area cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - ii. Wireless Communication Facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Village.
 - iii. In single-family residential neighborhoods, site locations outside a district or area identified in subsections 2 or 3 may only be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
 - (1) Municipally owned site.
 - (2) Other governmentally owned site.
 - (3) Religious or other institutional site.
 - (4) Public park and other large permanent open-space areas when compatible.
 - (5) Public or private school site.

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(6) Other locations if none of the above is available.

(6) Application Requirements

- (a) A site plan prepared in accordance with *Chapter 6.1* of this Ordinance shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- (b) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is it provide screening and aesthetic enhancement for the structure base and equipment enclosure.
- (c) The application shall include a signed certification by a State of Michigan license professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- (d) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility, when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, to be held by the Village and recorded if needed, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the community in securing removal.
- (e) The application shall include a map showing existing and known proposed Wireless Communication Facilities within the Village, and further showing existing and known proposed Wireless Communication Facilities within areas surrounding the borders of the Village in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. To the extent the information in question is on file with the Village, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Village.
- (f) The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. Written notice of any changes in this information shall be provided to the Village immediately. This application information shall also be confirmed in writing on an annual basis.
- (g) The owner or duly authorized representative of all ownership interest in the land on which the Wireless Communication Facility is proposed to be located shall sign the application. In addition,

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if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in the General Resolutions, above.

(h) The application fee, in the amount specified by Village Council Resolution.

(7) Co-location

(a) Statement of Policy. It is the policy of the Village to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Village, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in subsection A. Each licensed provider of a Wireless Communication Facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of Wireless Communication Facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Village that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above and in subsection 1. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Village. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Village.

(b) Feasibility of Co-location. Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:

- i. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
- ii. The site on which co-location is being considered, taking to consideration reasonable modification or replacement of a facility, is able to provide structural support.
- iii. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- iv. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Village, taking into consideration the several standards contained in parts 4 and 6 of this section, above.

(c) Requirements for Co-location.

- i. A special land use approval for the construction and use of a new Wireless Communication Facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
- ii. All new and modified Wireless Communication Facilities shall be designed and constructed so as to accommodate co-location.

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- iii. The policy of the Village is for co-location. Thus, if a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.
 - iv. If a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new Wireless Communication Support Structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Village, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Village for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.
- (d) Incentive. Review of an application for co-location, and review of an application for a permit for use of a facility permitted under subsection 2, shall be expedited by the Village.

(8) Removal.

- (a) A condition of every approval of a Wireless Communication Facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one of more of the following events:
 - i. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - ii. Six (6) months after new technology is available at reasonable cost as determined by the Village Council, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or more compatible with the area.
- (b) The situations in which removal of a facility is required, as set forth in paragraph a. above, may be applied and limited to portions of a facility.
- (c) Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph 1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official.
- (d) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the application deadline, and after at least thirty (30) days written notice, the

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Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

- (e) The person who had used the facility shall immediately notify the Village Clerk in writing if and as soon as use of a facility ceases.

(9) Effect and Approval.

- (a) Subject to the following subparagraph b., final approval under this section shall be effective for a period of six (6) months.
- (b) If construction of a Wireless Communication Facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Village of the commencement of the other facility unless the applicant granted approval of that facility which has not been commenced demonstrate that it would not be feasible for it to co-locate on the facility that has been newly commenced.

(B) ELECTRICAL OR GAS SUBSTATIONS OR GATE VALVE STATIONS.

(C) MINING AND MINERAL EXTRACTION.

- (1) An application will be required for the removal of sand, gravel, stone, aggregate and/or other minerals from specified property. Such application must reflect in detail the geography, topography, natural surface features and vehicular traffic routes and access on and in a one-half mile radius of the property in question, together with a geological, hydrological, botanical, and engineering survey and study prepared by appropriate experts, and also contain an operating and reclamation plan for the entire duration of the use, and an environmental impact study. The ZBA, following recommendation by the Planning Commission, and in accordance with the standards hereinafter set forth, and subject to any additional reasonable conditions imposed by the ZBA, may grant the limited period special use authorization.
- (2) The ZBA may grant the application only upon a finding that no harm and/or impairment shall result to the water, air, natural resources and/or public trust on and around the property, and that such use shall not unreasonably impact on the surrounding area from a land use and/or planning standpoint.
- (3) The ZBA shall establish a specific time period during which the special use shall be authorized, beyond which time there shall be no vested rights to continue such limited period special use.
- (4) Immediately following termination of active removal activities, the property shall be restored and reclaimed in accordance with the approved plan, which, among other things, shall include a re-grading of the property so as to prohibit any slopes in excess of one foot vertical to five feet horizontal and further include a ground cover, which will prevent erosion in the short and long term. Use of appropriate native plants is encouraged.
- (5) Nothing in this Section shall be construed or interpreted to prohibit the necessary preparation of land in connection with any immediately lawful use, provided that a site plan or other required application has been submitted to undertake such use.

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8.8 TEMPORARY USES

An unroofed accessibility ramp for residential use may encroach into a required yard setback if all of the following are true:

- (A) NO ALTERNATIVES. There are no other reasonable alternative locations for such a ramp on the property;

8.9 ESSENTIAL SERVICES

Essential services shall meet the standards outlined below, in addition to other applicable regulations.

- (A) PERMITTED. Essential services shall be permitted in any zoning district as authorized under any franchise granted by the Village, subject to applicable statutes, ordinances, rules, and agreements. This shall not apply to buildings, depot yards, substations, or gate valve stations.

End of Article 8.0

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ARTICLE 9.0

ACCESS

9.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Facilitate public safety along streets and efficient movement of traffic and vehicular access;
- (B) Minimize congestion and potentially-dangerous traffic conflicts;
- (C) Ensure unobstructed, safe, and continuous access to properties during emergencies;
- (D) Protect the public investment in public streets;
- (E) Provide reasonable and safe access to all properties; and
- (F) Establish minimum standards for access.

9.2 APPLICABILITY

The provisions of this Article apply to all properties within the Village's zoning jurisdiction. When there is a conflict between this Article and Road Commission or Michigan Department of Transportation standards, the stricter standard shall apply.

9.3 CLEAR-VISION ZONES

Fences, walls, berms, structures, and vegetation shall not obstruct vision at driveway and street intersections. Clear vision shall be maintained at all times at a height of between three (3) feet to eight (8) feet above the grade of travelled surfaces. Tree trunks may be located within this area if it does not create a hazard, but foliage shall not be located within this area.

- (A) RESIDENTIAL DRIVEWAYS. The clear-vision zone for residential driveways shall be an area measured... 15 feet.
- (B) COMMERCIAL DRIVEWAYS. The clear-vision zone for commercial driveways shall be an area measured... 25 feet.
- (C) STREETS. The clear-vision zone for streets shall be an area measured... 30 feet.
- (D) ADMINISTRATIVE ADJUSTMENT. ??

[ADD GRAPHICS]

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9.4 GENERAL DRIVEWAY STANDARDS

All driveways shall meet the standards outlined below.

- (A) FREE MOVEMENT. Driveways shall be located in a manner to minimize interference with the free movement of traffic.
- (B) SIGHT DISTANCE. Driveways located on streets under the jurisdiction of the Road Commission shall meet the Road Commission’s sight distance standards.
- (C) CULVERTS. Any culverts shall be installed in-line with and at the same grade as existing ditches.
- (D) DRAINAGE. Driveways shall not discharge stormwater onto adjacent properties or streets, accelerate erosion, or create ponding that is hazardous to motor vehicle operation, pedestrians, or property.
- (E) ADOPTED PLANS. Driveways shall conform to road improvement and corridor plans adopted by Ortonville.
- (F) NUMBER OF LOTS. Driveways shall only serve a single lot unless a shared driveway has been approved.
- (G) CLEARANCE. Driveways with a length of three hundred (300) feet or more shall have an unobstructed height of fourteen (14) feet from the driveway surface and an unobstructed width of twelve (12) feet.
- (H) TURNAROUND. Driveways with a length of three hundred (300) or more feet shall provide an emergency vehicle turnaround that meets the standards of the International Fire Code.

9.5 RESIDENTIAL DRIVEWAYS

Driveways for single-family, two-family, and accessory dwellings shall meet the standards outlined below, in addition to other applicable standards.

- (A) WIDTH. Residential driveways shall be at least ten (10) feet wide.
- (B) GEOMETRY. Residential driveways shall intersect with streets at an eighty-five (85) to ninety (90) degree angle.
- (C) SETBACK. Residential driveways shall be at least four (4) feet from side and rear lot lines. This shall not apply to the common lot line for shared driveways.
- (D) SURFACE. Residential driveways shall have a paved, paver, or compacted stone surface.

9.6 COMMERCIAL DRIVEWAYS

Driveways for commercial uses and multiple-family dwellings shall meet the standards outlined below, in addition to other applicable standards.

- (A) WIDTH. Commercial driveways shall meet the width standards outlined below.

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- (1) ONE WAY. Commercial driveways with one-way access shall have a width between twelve (12) and eighteen (18) feet. For the purpose of driveway width, each side of a boulevard entrance shall be considered as one-way access.
 - (2) TWO WAY. Commercial driveways with two-way access shall have a width between twenty-four (24) and thirty-six (36) feet.
- (B) GEOMETRY. Commercial driveways shall intersect with streets at a ninety (90) degree angle.
- (C) SETBACK. Commercial driveways shall be at least twenty (20) feet from side and rear lot lines. This shall not apply to the common lot line for shared driveways.
- (D) SURFACE. Commercial driveways shall have a hard, durable surface of asphalt, concrete, or pavers.
- (E) EGRESS LANES. The approving authority may require two (2) egress lanes for high-volume uses.
- (F) BOULEVARD ENTRANCE. Boulevard entrances shall be fully curbed and the island shall have an area of at least two hundred (200) square feet.
- (G) CROSSING. Driveways for non-residential uses shall not cross residentially zoned or used properties.

9.7 SHARED DRIVEWAYS

Shared driveways shall meet the standards outlined below, in addition to other applicable standards.

- (A) AUTHORITY. Shared driveways shall be reviewed and approved by the Zoning Administrator in consultation with the Village Engineer, Village Attorney, and Fire Inspector.
- (B) NUMBER. There shall be a maximum of one (1) access easement on any property.
- (C) DESIGN STANDARDS. Shared driveways shall meet the design standards outlined below.
- (1) EASEMENT WIDTH. The access easement shall have a width of at least sixty-six (66) feet. This width may be reduced by the approving authority if it is adequately demonstrated that the reduced width continues to provide adequate space for driveway, drainage, and utilities.
 - (2) LOTS SERVED. Shared driveways shall serve a maximum of four (4) lots.
 - (3) LENGTH. Shared driveways shall have a maximum length of one thousand (1,000) feet.
 - (4) WIDTH. Shared residential driveways shall be at least twelve (12) feet wide. Shared commercial driveways shall be at least twenty-two (22) feet wide.
 - (5) PASSING FLARES. Shared residential driveways shall have one (1) passing flare for every three hundred (300) feet of driveway length, with a width of at least eighteen (18) feet and a length of at least sixty (60) feet.
 - (6) ADDRESSES. All addresses served by a shared driveway shall be clearly posted at its intersection with the street, and the individual address shall be clearly posted at each location where the private driveway splits from the shared driveway.
- (D) EASEMENT AGREEMENT. Shared driveways shall have an easement agreement, signed by the applicant and owners, approved by the Village Attorney, and recorded with the Register of Deeds, with a copy provided to the Village. The easement agreement shall include at least the following:
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- (1) PUBLIC ACCESS. A statement that the easement is available for use by public vehicles for emergency or other necessary public services;
 - (2) ACCESS. A statement that owners shall not prohibit, restrict, limit, or interfere with normal ingress, egress, public utilities, and use by any of the other owners. Normal use shall include use by family, guests, invitees, vendors, tradesmen, delivery services, emergency vehicles, and others bound to or returning from any of the properties using the access easement; and
 - (3) LEGAL DESCRIPTION. A legal description and survey of the access easement and a legal description of the properties that benefit and are burdened by the easement.
- (E) MAINTENANCE AGREEMENT. Shared driveways shall have a maintenance agreement, signed by the applicant and owners, approved by the Village Attorney, and recorded with the Register of Deeds, with a copy provided to the Village. The maintenance agreement shall include at least the following:
- (1) MAINTENANCE. A reasonable method of initiating maintenance and improvements necessary to keep the shared driveway in a good, useable condition; and
 - (2) FINANCING. A reasonable method for financing and apportioning the costs of maintenance and improvements of the shared driveway.
- (F) REVIEW PROCESS. Shared driveways shall be reviewed as outlined below.
- (1) APPLICATION. The applicant shall submit a complete and accurate application and supporting materials. Submission of an application constitutes a representation that all of the information is complete and accurate. An application for a shared driveway shall include the following:
 - a) Application Form. A signed and completed application form;
 - b) Fee. An application fee and escrow, as outlined in the adopted fee schedule;
 - c) Site or Plot Plan. A plot plan or site plan drawn to a scale of at least one (1) inch to forty (40) feet, showing the location of the access easement, shared driveway, and any other improvements;
 - d) Cross Section. A cross section of the shared driveway;
 - e) Road Commission Approval. A permit from the Road Commission for shared driveways that connect with streets under the Road Commission's jurisdiction;
 - f) Maintenance Agreement. A draft maintenance agreement in a recordable format;
 - g) Easement Agreement. A draft easement agreement in a recordable format; and
 - h) Additional Materials. Additional materials determined necessary by the Zoning Administrator and other Village officials to determine compliance with this Ordinance and other applicable laws and regulations.
 - (2) RIGHT TO ENTER PROPERTY. Submission of a shared driveway application constitutes permission for the Village and its agents to access the property to complete an onsite investigation for the purpose of administering this Ordinance.
 - (3) CONDITIONS. Conditions may be placed on approval of a shared driveway, as outlined in **HERE**.
 - (4) ACCEPTANCE OF CONDITIONS. Approval of a shared driveway shall only be effective upon acceptance of any conditions of approval by the applicant and owners.
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- (5) EXPIRATION. Shared driveway approval shall be valid for a period of twelve (12) months. If the shared driveway has not been established in this period, the approval shall be null and void.
- (6) Shared driveways shall meet the material standards of the Village Private Road regulations, regarding cross-section and surface materials.

9.8 ACCESS EASEMENTS

Lots used for single-family dwellings may be accessed by an exclusive permanent access easement, as outlined below, in addition to other applicable standards.

(A) AUTHORITY. Access easements shall be reviewed and approved by the Zoning Administrator in consultation with the Village Attorney, Village Engineer, and Fire Inspector.

(B) NUMBER. There shall be a maximum of one (1) access easement on any property.

(C) DESIGN STANDARDS. Access easements shall meet the design standards outlined below.

- (1) EASEMENT WIDTH. The access easement shall have a width of at least sixty-six (66) feet. The width may be reduced by the approving authority if it is adequately demonstrated that the reduced width continues to provide adequate space for the driveway, drainage, and utilities.
- (2) TURNAROUND. Driveways in access easements with a length of three hundred (300) or more feet shall provide an emergency vehicle turnaround that meets the standards of the International Fire Code.

(D) EASEMENT AGREEMENT. Access easements shall have an easement agreement, signed by the applicant and owners, approved by the Village Attorney, and recorded with the Register of Deeds, with a copy provided to the Village. The easement agreement shall include at least the following:

- (1) PUBLIC ACCESS. A statement that the easement is available for use by public vehicles for emergency or other necessary public services;
- (2) ACCESS. A statement that owners shall not prohibit, restrict, limit, or interfere with normal ingress, egress, public utilities, and use by any of the other owners. Normal use shall include use by family, guests, invitees, vendors, tradesmen, delivery services, emergency vehicles, and others bound to or returning from any of the properties using the access easement; and
- (3) LEGAL DESCRIPTION. A legal description and survey of the access easement and a legal description of the properties that benefit and are burdened by the easement.

(E) PROCESS. Access easements shall be reviewed as outlined below.

- (1) APPLICATION. The applicant shall submit a complete and accurate application and supporting materials. Submission of an application constitutes a representation that all of the information is complete and accurate. An application for an access easement shall include the following:
 - a) Application Form. A signed and completed application form;
 - b) Fee. An application fee and escrow, as outlined in the adopted fee schedule;
 - c) Site or Plot Plan. A plot plan or site plan drawn to a scale of at least one (1) inch to forty (40) feet, showing the location of the access easement, driveway, and any other improvements;

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- d) Road Commission Approval. A permit from the Road Commission for driveways that connect with streets under the Road Commission’s jurisdiction;
 - e) Easement Agreement. A draft easement agreement in a recordable format; and
 - f) Additional Materials. Additional materials determined necessary by the Zoning Administrator and other Village officials to determine compliance with this Ordinance and other applicable laws and regulations.
- (2) RIGHT TO ENTER PROPERTY. Submission of an access easement application constitutes permission for the Village and its agents to access the property to complete an onsite investigation for the purpose of administering this Ordinance.
- (3) CONDITIONS. Conditions may be placed on approval of an access easement, as outlined in **HERE**.
- (4) ACCEPTANCE OF CONDITIONS. Approval of an access easement shall only be effective upon acceptance of any conditions of approval by the applicant and owners.
- (5) EXPIRATION. Access easement approval shall be valid for a period of twelve (12) months. If the access easement has not been established in this period, the approval shall be null and void.

End of Article 9.0

Remainder of Page left intentionally blank.

ARTICLE 10.0

ACCESSORY STRUCTURES AND USES

10.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Ensure that accessory structures and uses do not conflict with the intended character, nature, and use of the zoning district in which they are located;
- (B) Establish standards for specific accessory structures to minimize potential negative impacts on the use, enjoyment, and value of adjacent properties, the surrounding area, and the Village in general; and
- (C) Establish standards for specific accessory uses to minimize potential negative impacts on the use, enjoyment, and value of adjacent properties, the surrounding area, and the Village in general.

10.2 MINOR ACCESSORY STRUCTURES

Minor accessory structures, such as arbors, trellises, bird baths and houses, dog houses, lamp posts, mailboxes, sidewalks, and utility installations for local service shall be permitted in any yard in all zoning districts.

10.3 ACCESSORY BUILDINGS

Accessory buildings shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) **BUILDING TO BUILDING SETBACK.** Accessory buildings shall be at least ten (10) feet from any adjacent building.
 - (B) **RESIDENTIAL ACCESSORY BUILDINGS.** Residential accessory buildings shall meet the standards outlined below.
 - (1) **RELATION TO PRINCIPAL BUILDING.** Residential accessory buildings shall only be constructed and maintained on lots with a principal dwelling unit. A residential accessory building may be constructed before the principal dwelling unit provided a zoning permit has also been issued for construction of the principal dwelling unit and performance guarantee has been provide, as outlined in Section 16.6.
 - (2) **LOCATION.** Residential accessory buildings shall be located within side yards or rear yards and shall not be located within any access or utility easement.
 - (3) **SETBACKS.** Residential accessory building shall be set back at least five (5) feet from all side and rear lot lines.
 - (4) **HEIGHT.** Residential accessory buildings shall have a maximum height of twenty (20) feet.
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- (5) **BUILDING COVERAGE.** The building coverage for all residential accessory buildings on a lot shall count towards the total building coverage.
- (6) **USE.** Residential accessory building use shall be incidental and subordinate to the principal residential use of the property.
- (C) **NONRESIDENTIAL ACCESSORY BUILDINGS.** Nonresidential accessory buildings shall meet the developmental and use standards for the principal building for the zoning district in which they are located.

10.4 PORCHES, DECKS, AND PATIOS

Porches, decks, patios, and steps shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) **ATTACHED.** Porches, decks, and steps that are attached to a building or function as if they were attached, even if there is no physical connection, shall be considered a part of that building and shall meet the developmental standards for that building, unless otherwise permitted in this Ordinance.
- (B) **DETACHED.** Porches, decks, and steps not attached to a building and patios shall meet the setbacks for accessory buildings for the zoning district in which it is located and shall not have any roof or enclosed walls.
- (C) **SCREENING.** Privacy fencing or screening may be attached to a deck or porch in a rear or side yard with a maximum height of six (6) feet, measured from the finished floor of the deck or porch.

10.5 RESIDENTIAL ACCESSIBILITY RAMPS

An unroofed accessibility ramp for residential use may encroach into a required yard setback if all of the following are true:

- (A) **NO ALTERNATIVES.** There are no other reasonable alternative locations for such a ramp on the property;
- (B) **SMALLEST NECESSARY.** The ramp is the smallest size necessary; and
- (C) **REMOVAL.** The ramp shall be removed when it is no longer necessary for access. This removal shall be outlined in a document approved by the Village and recorded with the Register of Deeds, with a copy of the recorded agreement provided to the Village.
- (D) **PERFORMANCE GUARANTEE.** A performance guarantee may be required at the time of construction to ensure the ramp is removed, as outlined in Section 16.6.

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10.6 FENCES AND WALLS

Fences and walls shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) GENERAL PROVISIONS. Fences and walls are subject to the following general provisions.
 - (1) FINISHED SIDE. The finished side shall face adjacent properties. Exposed fence posts shall be located towards the property that is being fenced.
 - (2) SETBACKS. Fences and walls shall be located completely within the property being fenced. Adjoining properties may jointly install a fence along the common property line.
 - (3) CLEAR-VISION ZONE. Fences and walls located within a clear-vision zone shall have a maximum height of three (3) feet.
 - (4) HEIGHT. Fences and walls located within a front yard shall have a maximum height of four (4) feet, and fences and walls located within other yards shall have a maximum height of six (6) feet, unless otherwise stated in this Ordinance.
 - (5) MAINTENANCE. Fences and walls shall be kept and maintained in a good, plumb upright condition.
 - (6) GATES. Gates shall be installed so that they do not extend over or into a right-of-way, public space, or adjacent property when opened.
- (B) RECREATIONAL FACILITY FENCES. Fences surrounding a recreational field or court shall have a maximum height of twelve (12) feet and shall be setback from all lot lines a distance at least equal to the fence height.
- (C) SECURITY FENCES. The Planning Commission, in its sole discretion, may allow taller fences upon finding the additional height for a security fence is necessary to provide security for the area to be fenced and the additional height would not create a hazard or nuisance to adjacent properties or the general public.
- (D) BARBED AND RAZOR WIRE. The Planning Commission, in its sole discretion, may allow for barbed wire or razor wire fences upon finding the barbed wire or razor wire fence is necessary to provide security for the area to be fenced and the barbed wire or razor wire would not create a hazard or nuisance to adjacent properties or the general public.
- (E) ELECTRICAL FENCES. Electrical fences shall be prohibited.

10.7 POOLS AND HOT TUBS

Pools and hot tubs shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) LOCATION. An application for a zoning text amendment shall include the following:
- (B) SETBACKS. Swimming pools shall be at least ten (10) feet from side and rear lot lines. Hot tubs shall be at least ten (10) feet from side and rear lot lines and at least thirty-five (35) feet from waterbodies.

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- (C) ACCESS. Swimming pools and hot tubs shall have access restricted by at least one (1) of the methods below:
- (1) Fencing. Swimming pools and hot tubs shall be surrounded by fencing at least four (4) feet high. The fence shall not be climbable, and all gates shall be self-closing and self-latching;
 - (2) Elevated Pools. Elevated swimming pools and hot tubs that are at least four (4) feet above ground shall may have restricted access by steps that are removed and secured when not in use or a self-closing, self-latching gate that is at least four (4) feet high;
 - (3) Building Wall. When a building wall is used as a barrier for a swimming pool, all doors along that wall shall be equipped with alarms and the swimming pools shall have an automatic cover;
 - (4) Power Safety Cover. Swimming pools with a power safety cover that complies with the American Society for Testing and Materials (ASTM) F-1346-91 shall not be required to have additional access restrictions. This cover shall be in place when the swimming pool is not in use; or
 - (5) Hot Tub Cover. Hot tubs with a cover that complies with the American Society for Testing and Materials (ASTM) F1346-91 shall not be required to have additional access restrictions. This cover shall be in place when the hot tub is not in use.
- (D) FILLING. Swimming pools and hot tubs shall not be filled until the applicable access restrictions have been satisfactorily installed.

10.8 RETAINING WALLS

Retaining walls shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. The standards of this Section shall not apply to seawalls.

- (A) SETBACKS. Retaining walls shall be set back at least three (3) feet or the height of the retaining wall, whichever is greater, unless a letter of non-objection is obtained from the affected adjacent property owner. This letter shall be in a form approved by the Village and shall be recorded with the Register of Deeds, with a copy of the recorded document provided to the Village.
- (B) WATERBODY AND WETLAND SETBACKS. Retaining walls shall be at least ten (10) feet from any waterbody or wetland.
- (C) HEIGHT. Retaining walls shall have a maximum height of four (4) feet. Taller retaining walls shall be tiered with a distance between the walls equal to the height of the adjacent upper retaining wall. The maximum height may be increased by up to three (3) feet if the retaining wall is made of poured concrete and a fall-prevention railing is installed.
- (D) GRADE. Grades along property lines shall not be changed unless a letter of non-objection is obtained from the affected adjacent property owner. This letter shall be in a form approved by the Village and shall be recorded with the Register of Deeds, with a copy of the recorded document provided to the Village.
- (E) DRAINAGE. Any change in grade shall not create a negative impact on the natural drainage patterns.
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10.9 MECHANICAL EQUIPMENT

Introduction text.

(A) ITEM. Text.

10.10 FLAGPOLES

Flagpoles shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) SETBACKS. Flagpoles with a height of twenty-five (25) feet or less shall be at least ten (10) feet from all lot lines and waterbodies. Flagpoles with a height of more than twenty-five (25) feet shall be at least twenty (20) feet from all lot lines and waterbodies.
- (B) HEIGHT. Flagpoles shall have a maximum height of fifty (50) feet.

10.11 TV ANTENNAS, SATELLITE DISHES, AND HAM RADIO

Television and radio antennas and satellite dishes and all ham radio antennas shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) INTENT AND PURPOSE. The intent and purpose of this Section is to provide reasonable standards for reception antenna to achieve the following:
 - (1) SAFETY. Promote safety and prevent hazards to people and property from accidents involving antennas and satellite dishes;
 - (2) USE. Promote the reasonable use of antennas and satellite dishes where feasible;
 - (3) AESTHETICS AND PROPERTY VALUES. Develop standards that minimize the aesthetic impact on surrounding properties and preserve property values;
 - (4) BALANCE. Balance standards for antennas and satellite dishes to provide for these intents and purposes; and
 - (5) HEALTH, SAFETY, AND WELFARE. Promote and protect the public health, safety, and welfare in relation to individual property rights without unreasonable restriction.
- (B) LOCATION. Antennas and satellite dishes shall be located within side yards or rear yards.
- (C) SETBACKS. Antennas and satellite dishes shall meet the setbacks for accessory buildings.
- (D) HEIGHT. Freestanding antennas and satellite dishes shall have a maximum height of twenty-five (25) feet. Building-mounted antennas and satellite dishes shall have a maximum height of ten (10) feet above the building it is mounted to.
- (E) DIAMETER. Antennas and satellite dishes shall have a maximum diameter of ten (10) feet.

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- (F) COLOR. Antennas and satellite dishes shall not be bright or pastel colors, unless required by the Federal Aviation Administration.
- (G) WIND. Antennas and satellite dishes shall be designed and installed to withstand a wind load of one hundred (100) miles per hour.
- (H) HAM RADIO ANTENNA HEIGHT AND DIAMETER. Ham radio antenna may exceed the height and diameter standards in this Section if all of the following conditions are met:
 - (1) MINIMUM NECESSARY. The antenna height or diameter is the minimum necessary to receive and transmit signals adequately.
 - (2) FALL ZONE. The antenna fall zone is located entirely within the property.
 - (3) REMOVAL. The antenna shall be removed when the ham radio use has been discontinued for a period of one hundred eighty (180) days.

~~WIND ENERGY CONVERSION SYSTEMS~~

~~Introduction text.~~

~~(A) ITEM. Text.~~

10.12 SOLAR ENERGY SYSTEMS

Accessory solar energy systems shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) LOCATION. Solar energy systems shall not be located within a front yard.
 - (B) SETBACKS. Free-standing solar energy systems shall meet the setbacks for accessory buildings. Building-mounted solar energy systems shall meet the setbacks for the building that they are attached to.
 - (C) HEIGHT. Free-standing solar energy systems shall have a maximum height of fifteen (15) feet. Building-mounted solar energy systems shall meet the height for the building that they are to and shall extend a maximum of two (2) feet above the roof.
 - (D) BUILDING COVERAGE. The area covered by free-standing solar energy systems shall count towards building coverage.
 - (E) WIRING. Wiring for free-standing solar energy systems shall be buried and placed inside a conduit.
 - (F) ORIENTATION. Solar energy systems shall be designed and located to minimize reflective glare toward any inhabited structure on other properties, street rights-of-way, or public places.
 - (G) CERTIFICATION. Solar energy systems and all photovoltaic array components shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (EIL), or other similar certification organization acceptable to the Village.
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- (H) REMOVAL. Solar panels that have been damaged shall be removed within fifteen (15) days. Solar energy systems that are no longer generating electricity shall be removed within six (6) months, whether or not there is an intent to reestablish the use.

10.13 WASTE RECEPTACLES AND ENCLOSURES

Waste receptacles, including trash, grease, recyclables, and compactors, shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. This Section does not apply to curbside pick-up or recycling facilities.

- (A) ENCLOSURE. An enclosure shall be provided on all sides of waste receptacles, with wall on three (3) sides and a gate.
- (1) MATERIALS. Enclosure walls shall be constructed of brick, decorative masonry, or colored concrete. The exterior of the enclosure wall may be faced with a different material that complements the principal building. The enclosure gate shall be constructed of metal or similar high-quality material.
 - (2) HEIGHT. The enclosure shall be at least six (6) feet or two (2) feet taller than the waste receptacle, whichever is taller.
 - (3) SEPARATION DISTANCE. The enclosure shall provide a distance of at least three (3) feet between the waste receptacle and the enclosure walls and gate.
 - (4) GATES. Gates shall remain closed at all times except when the waste receptacle is being accessed.
- (B) LOCATION. Waste receptacle enclosures shall only be located within side yards or rear yards.
- (C) SETBACKS. Waste receptacle enclosures shall be set back a minimum distance from lot lines and waterbodies, as outlined below.
- (1) ALL LOT LINES. Waste receptacle enclosures shall be at least ten (10) feet from all lot lines, except as otherwise noted.
 - (2) RESIDENTIAL DISTRICTS. Waste receptacle enclosures shall be at least twenty (20) feet from adjacent properties within residential zoning districts.
 - (3) WATERBODIES. Waste receptacle enclosures shall be at least twenty-five (25) feet from all waterbodies.
 - (4) GREATER DISTANCE. A greater distance may be required if the waste receptacle is likely to emit odors.
 - (5) REDUCED DISTANCE. The setback distance from lot lines may be reduced in the D Downtown district by the Planning Commission upon finding it is necessary due to lot characteristics and the location would not create a nuisance for the adjacent property or general public.
 - (6) SHARED WASTE RECEPTACLES. The setback distance from lot lines may be reduced from a common lot line if the enclosure provides service to the adjacent properties.
- (D) SCREENING. Waste receptacle enclosures shall be screened from adjacent properties and public view to the greatest extent practicable, using evergreen vegetation.
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- (E) LID OR COVER. Waste receptacles shall have a lid or cover that shall be kept closed or covered except when accessing the waste receptacle.
- (F) CONCRETE BASE. Waste receptacle enclosures shall have a reinforced concrete base that extends out far enough to provide a base for the front axle of the refuse vehicle.
- (G) ACCESSIBILITY. Waste receptacles shall be accessible to refuse vehicles in a manner that does not conflict with designated parking spaces, loading spaces, queuing spaces, or maneuvering lanes.
- (H) BOLLARDS. Bollards, posts, or bumpers shall be provided to protect the enclosure from damage.
- (I) SHARED WASTE RECEPTACLE. Waste receptacles may be shared by several adjacent properties or users.

10.14 PORTAJOHNS

Porta johns shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) SPECIAL EVENTS AND CONSTRUCTION. Porta johns shall be allowed accessory to a special event or construction and shall be removed within forty-eight (48) hours after the special event has finished or the construction has completed.
- (B) SEASONAL RECREATIONAL USE. Porta johns shall be allowed accessory to an approved recreational use on a seasonal basis.
- (C) MAINTENANCE. Porta johns shall be maintained in a clean, sanitary condition and not cause any odors that impact the use or enjoyment of adjacent properties.

10.15 PLAY EQUIPMENT

Outdoor play equipment that requires a permanent location on or attachment to the ground shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) SMALL RESIDENTIAL. Play equipment for single-family and two-family dwellings shall be at least five (5) feet from all side and rear lot lines and shall meet the front-yard setback for the principal building.
- (B) NONRESIDENTIAL AND MULTIPLE-UNIT RESIDENTIAL. Play equipment for nonresidential and multiple-unit residential shall be at least fifteen (15) feet from all side and rear lot lines and shall meet the front-yard setback for the principal building.

10.16 GARAGE SALES

Garage sales, yard sales, rummage sales, moving sales, and similar sales shall meet the following standards, in addition to other applicable provisions of this Ordinance.

- (A) NUMBER. Each property shall have up to three (3) sales per calendar year.

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- (B) DURATION. Each sale shall have a maximum duration of three (3) days.
- (C) RESALE. Items offered for sale may include items from multiple individuals but shall not include goods purchase for the intent of resale at a sale.
- (D) HOURS. Sales shall be limited to the hours between 8:00 am and 6:00 pm.

10.17 SALES OF VEHICLES

Sales of vehicles, watercraft, and trailers shall meet the following standards, in addition other applicable provisions of this Ordinance. This Section does not apply to approved and licensed commercial sales operations.

- (A) OWNER OR OCCUPANT. The sale of motor vehicles, recreational vehicles, watercraft, or trailers shall be limited to the property owner or resident.
- (B) NUMBER. One (1) motor vehicle, recreational vehicle, watercraft, or trailer may be offered for sale at a time.
- (C) DURATION. Motor vehicles, recreational vehicles, watercraft, or trailers may be offered for sale for a maximum of thirty (30) days.
- (D) RESALE. Motor vehicles, recreational vehicles, watercraft, or trailers offered for sale shall not include those purchased for the intent of resale.
- (E) NONRESIDENTIAL. The parking or storing of motor vehicles, recreational vehicles, watercraft, or trailers in any nonresidential parking lot for the purpose of selling for a continuous period of more than twenty-four (24) hours shall be prohibited.

10.18 PARKING, REPAIR, AND STORAGE OF VEHICLES

The parking, repair, and storage of motor vehicles, recreational vehicles, watercraft, and trailers shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. This Section shall not apply to approved commercial facilities that otherwise allow or have specific standards for the parking, repair, or storage of vehicles.

- (A) OWNER OR OCCUPANT. Storage of a recreational vehicle, watercraft, or trailer outside of an enclosed building in any residential zoning district shall be limited to those owned by the property owner or a resident.
- (B) LOCATION. Recreational vehicles, watercraft, or trailers shall be parked in a driveway, side yard, rear yard, or garage.
- (C) INOPERABLE. Inoperable motor vehicles, recreational vehicles, watercraft, and trailers shall be stored within a completely enclosed building.

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- (D) REPAIRS. Repairs of motor vehicles, recreational vehicles, watercraft, or trailers that take longer than four (4) days shall be conducted within a completely enclosed building or within a yard enclosed by a six (6) foot tall privacy fence.
- (E) COMMERCIAL VEHICLES. No more than one (1) commercial vehicle of the light, delivery type, not to exceed three-fourths ton, shall be permitted for each dwelling unit. The parking of any other type of commercial vehicle, except those belonging to a church or school and parked on church or school property, is prohibited.

10.19 STORAGE OF MATERIALS

The storage of materials shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. This Section shall not apply to uses that are otherwise authorized for the outdoor storage of materials.

- (A) LOCATION. Abandoned, discarded, unused, unusable, or inoperable motor vehicles, recreational vehicles, watercraft, trailers, appliances, equipment, and materials shall be stored within an enclosed building.
- (B) CONSTRUCTION MATERIALS. Construction materials shall be stored within an enclosed building, except as outlined below.
 - (1) VALID PERMIT. Construction materials necessary for construction or alteration of a structure may be stored outside of an enclosed building if a structure is being constructed on the lot and all required zoning and building permits have been secured and remain valid.
 - (2) MULTIPLE-LOT DEVELOPMENTS. Construction materials for use within developments with multiple lots may be stored outside of an enclosed structure on other lots within the development.
 - (3) DEVELOPMENT AGREEMENT. The Village may approve other options for the outdoor storage of construction materials associated with a development as part of a development agreement.
- (C) STORAGE IN VEHICLES. Abandoned, discarded, unused, unusable, or inoperable motor vehicles, recreational vehicles, watercraft, trailers, appliances, equipment, and materials shall not be stored in a motor vehicle, recreational vehicle, trailer, or watercraft.

10.20 TEMPORARY STORAGE STRUCTURES

Temporary storage, including portable on-demand storage, shipping containers, and membrane storage structures shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance.

- (A) PORTABLE STORAGE. Portable on-demand storage units shall meet the standards outlined below. These standards do not apply to approved self-storage or shipping operations.
 - (1) ALLOWED. Portable on-demand storage units are allowed on a lot when there is active construction on the lot, or an occupant is in the process of moving.

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- (2) PERIOD. Portable on-demand storage units shall remain on a lot for up to one hundred eighty (180) days. If a building permit has been issued for work on the lot, the portable on-demand storage unit may remain on the lot until the building permit expires or thirty (30) days after receiving a certificate of occupancy, whichever occurs first.
 - (3) NUMBER. There shall be a maximum of one (1) portable on-demand storage unit per lot. If a building permit has been issued for work on the lot, there may be one (1) additional portable on-demand storage unit.
 - (4) LOCATION. Portable on-demand storage units shall be at least five (5) feet from all lot lines, public sidewalks or safety paths, and buildings and shall not create vision hazards along streets.
- (B) SHIPPING CONTAINERS. Shipping containers shall meet the standards outlined below. These standards do not apply to approved warehouse or shipping facilities.
- (1) ZONING DISTRICTS. Shipping containers used as an accessory structure shall be permitted in the C-M-15 Corridor Commercial District.
 - (2) PERIOD. Shipping containers on a lot for more than thirty (30) days shall require a zoning compliance permit.
 - (3) NUMBER. There shall be a maximum of one (1) shipping container per lot. Additional shipping containers may be allowed by the Zoning Administrator upon determination that the additional shipping containers are necessary to support a permitted construction project.
 - (4) LOCATION. Shipping containers shall meet the developmental standards for an accessory building.
 - (5) APPEARANCE. The exterior of shipping containers shall be kept and maintained in a good condition with a single, consistent paint color without visible rust or markings.
- (C) MEMBRANE STRUCTURES. Membrane storage structures shall meet the standards outlined below.
- (1) PERIOD. Membrane storage structures shall remain on a lot for up to one hundred eighty (180) days per calendar year.
 - (2) NUMBER. There shall be a maximum of one (1) membrane storage structure per lot.
 - (3) LOCATION. Membrane storage structures shall meet the developmental standards for accessory buildings.
 - (4) APPEARANCE. Membrane storage structures shall be kept and maintained in a good condition, free of damage to the membrane or support structure.
 - (5) SIZE. Membrane storage structures shall have a maximum area of less than two hundred (200) square feet and a maximum height of eight (8) feet.

End of Article 10.0

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Article 11.0
Roads

(Place Holder)

ARTICLE 12.0 ENVIRONMENTAL

12.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Protect and preserve the short-term and long-term environmental health, safety, and quality within the Village;
- (B) Protect and preserve natural resources and sensitive ecosystems within the Village;
- (C) Minimize potential negative impacts on the use, enjoyment, and value of adjacent properties, the surrounding area, and the Village in general;
- (D) Protect and preserve the integrity of the Village's land, water, and air; and
- (E) Ensure adequate drainage that does not negatively impact adjacent properties or waterbodies.

12.2 PERFORMANCE STANDARDS

All uses and structures shall be used and occupied in a manner to prevent any dangerous, injurious, noxious, or otherwise objectional element or condition and shall meet the performance standards outlined below.

- (A) SOUND. Activities shall not create measurable sound levels that exceed the maximum sound level or are unreasonably loud or unreasonably interfere with the peace and enjoyment of others, as outlined below.
 - (1) MEASUREMENT METHOD. The measuring equipment and methods shall conform to the latest American National Standards Institute specifications. The A-weighted filter shall be used when making measurements.
 - (2) MEASUREMENT LOCATION. Measurements shall be made at lot lines and rights-of-way.
 - (3) MAXIMUM SOUND LEVELS. Sound Levels shall not exceed the limits set forth in the table below, unless otherwise permitted in this Section.

Table 12.1: Maximum Sound Levels

Time	Sound Level
7:00 am to 7:00 pm	65 db(A)
7:00 am to 10:00 pm	60 db(A)
10:00 pm to 7:00 am	55 db(A)

- (4) BACKGROUND SOUND. When the background sound level exceeds the maximum sound level in table 12.1, the maximum sound level may exceed the above standards but shall not exceed the background sound level by more than 5 db(A).

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- (5) **OUTDOOR DOG BARKING.** The outdoor barking of one (1) or more dogs between the hours of 10:00 pm and 7:00 am more than once in a fifteen (15) day period shall be prohibited in residential districts.
- (6) **INTERMITTENT OR OTHER UNREASONABLE SOUNDS.** Intermittent sounds, sounds characterized by a pure tone, or high-frequency shall be prohibited when found to unreasonably interfere with the peace and comfort of others, even if the sound does not exceed the maximum sound level. The following shall be considered when determining if an intermittent or pure tone is excessive:
- a) **Sleeping Quarters.** The proximity of the sound to sleeping quarters;
 - b) **Nature of Sound.** The nature of the activity from which the sound is generated and the area where the sound is received;
 - c) **Time.** The time when the sound occurs; and
 - d) **Duration.** The duration of the sound.
- (7) **EXEMPTIONS.** The maximum sound levels shall not apply to the following activities when they occur in a legally-accepted manner:
- a) **Construction.** Construction activity between the hours of 7:00 am and 8:00 pm, unless greater hours are authorized in an approved development agreement.
 - b) **Emergency Work.** The performance of emergency work, such as snow or tree removal or securing or protecting a structure;
 - c) **Emergency Generators.** Emergency generator use during a power outage or during manufacturer-recommended exercise between the hours of 8:00 am and 6:00 pm;
 - d) **Fireworks.** A firework show that has been approved by the Village or another local unit of government;
 - e) **Human Voice.** The unamplified human voice;
 - f) **Lawn Care and Maintenance.** Lawn care and yard maintenance, such as mowing, weed whipping, and tree removal, between the hours of 8:00 am and 9:00 pm;
 - g) **Public Work.** Public works maintenance, repair, or improvement projects conducted by or on behalf of a public agency; or
 - h) **Warning Devices.** Warning devices necessary for public safety, such as police, fire, and ambulance sirens and storm and civil warning devices.
- (B) **VIBRATIONS.** Vibrations exceeding a displacement of three thousandths of an inch (0.003) or that can be detected without the aid of instruments on adjacent lots or rights-of-way shall be prohibited.
- (C) **SMOKE.** The discharge of smoke from any source in a manner that causes injury, detriment, or nuisance to the public or in a manner that causes injury or damage to property shall be prohibited.
- (D) **ODOR.** The release of any odor of such an intensity and character that it is detrimental to the health or welfare of the public or that interferes with the reasonable comfort of the public shall be prohibited.
- (E) **GASES.** The release of any gas that is injurious, destructive, or harmful to people or property or explosive shall be prohibited.
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- (F) RADIATION. Activities shall not emit dangerous radioactivity at any time.
- (G) ELECTRICAL DISTURBANCES. Activities shall not emit or create unreasonable electrical disturbances at any time.
- (H) GLARE AND HEAT. Activities shall not create glare or heat that is visible or can be felt from any adjacent property, any right-of-way, or any public space.
- (I) FIRE AND SAFETY. Any activity that involves the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by safety devices that are normally used in the handling of that material. The flammable or explosive material shall be kept from adjacent activities, lot lines, and public spaces a distance that is compatible with the potential danger.
- (J) HAZARDOUS SUBSTANCES. The storage, handling, or use of non-household hazardous materials shall meet state and federal requirements for storage, spill prevention, record keeping, emergency response, transportation, and disposal.

12.3 POTABLE WATER

Any building, structure, area, or use constructed, altered, or maintained for human occupancy, use, or assembly shall be provided with adequate facilities for potable water provided by an individual well or public water system.

- (A) INDIVIDUAL WELLS. Individual wells for potable, private water supply shall be reviewed and approved by the Health Division for compliance with applicable laws and regulations.
- (B) PUBLIC WATER SYSTEM. Connections to a public water system shall be reviewed and approved by the public water system authority.

12.4 SANITARY SEWER

Any building, structure, area, or use constructed, altered, or maintained for human occupancy, use, or assembly shall be provided with adequate facilities for potable water provided by an individual septic system or public sanitary sewer system.

- (A) INDIVIDUAL SEPTIC SYSTEMS. Individual septic systems shall be reviewed and approved by the Health Division for compliance with applicable laws and regulations.
- (B) PUBLIC SANITARY SEWER SYSTEM. Connections to public sanitary sewer systems shall be reviewed and approved by the public sanitary sewer system authority.

12.5 GRADING AND CLEARING

Grading and clearing shall meet the following standards in order to protect soil resources, adjacent properties, streets, and waterbodies and to provide for adequate drainage of surface water.

- (A) ADJACENT ELEVATION. All structures shall be constructed at an elevation that provides for the final grade adjacent to the structure to slope away from the structure.
- (B) CONSTRUCTION DRAINAGE. Adjacent properties shall not be burdened with additional drainage from a property on which construction is taking place unless a stormwater easement has been agreed and recorded with the Register of Deeds.
- (C) YARD SLOPES. Required yards shall be maintained at a slope that directs the flow of surface water to existing drainage systems without causing any ponding or flooding on adjacent lands. This shall not prevent the grading of a yard into landscaped depression or terraced areas where adequate and safe means for the disposal of surface waters are installed and maintained.
- (D) ELEVATION CHANGES. Yards shall be graded to meet existing grad lines along lot lines and allow surface water drainage without encroaching onto adjacent properties, except where the surface water follows existing drainage patterns. The grade along lot lines may be changed with the written consent of all affected property owners.
- (E) CLEARING OF A SITE. Stripping or removal of topsoil shall be prohibited before the completion of all necessary mitigation measures to prevent erosion and sedimentation.
- (F) PERFORMANCE GUARANTEE. The Village may require a performance guarantee to cover the costs of final grading, as outlined in 16.6 Performance Guarantees.
- (G) CERTIFICATE OF ZONING COMPLIANCE. The final grading shall be completed before issuance of a certificate of zoning compliance, as outlined in 17.7.

12.6 WETLANDS

The following standards are intended to protect wetlands and ensure they continue to benefit Village residents and the environment.

- (A) IDENTIFICATION. The wetland map for Oakland County, as prepared by the Department of Environmental Quality using information from the National Wetland Inventory, land cover, and soils shall serve as the base for the extent of wetlands.
- (B) DELINEATION. If there is a disagreement between the extent of wetlands, an applicant may submit a wetland delineation prepared by the Department of Environmental Quality Wetland Identification Program or by an experienced wetland consultant. The delineation shall be at the applicant's expense.
- (C) SETBACKS. All buildings shall meet the setbacks from wetlands for the zoning district in which it is located. All other structures shall be at least twenty (20) feet from wetlands. Driveways and boardwalks may be located closer if a wetland permit has been issued by the Department of Environmental Quality.
- (D) STORMWATER. Wetlands shall only be used for stormwater management if the stormwater is pretreated as outlined in 12.9 Direct Discharge and the stormwater volume will not have a negative impact on the wetland.

12.7 SOIL EROSION AND SEDIMENTATION CONTROL

The following soil erosion and sedimentation control standards shall be met, in addition to other standards enforced by the Soil Erosion Control Officer, in order to protect property, streets, and wetlands.

- (A) OFF-SITE SEDIMENTATION. All development and earth changes shall be conducted in a manner to prevent erosion and the discharge of sedimentation from the property.
- (B) DISTURBED AREA DURATION. All development and earth changes shall be designed, constructed, and completed so that the exposed land of disturbed areas is limited to the shortest possible period of time.
- (C) WATERBODIES AND WETLANDS. Appropriate measures shall be taken to prevent erosion and sedimentation into waterbodies and wetlands.
- (D) SOIL EROSION AND SEDIMENTATION CONTROL STANDARDS. All development and earth changes shall comply with the soil erosion and sedimentation control standards enforced by the Soil Erosion Control Officer.

12.8 WATER QUALITY AND QUANTITY

The following standards are intended to protect waterbodies and wetlands from negative impacts from polluted or excessive stormwater.

- (A) EXISTING FEATURES. Existing waterbodies and wetlands shall be protected from damaging modifications and adverse changes in stormwater runoff quality and quantity associated with development or improvements.
- (B) STORMWATER. Stormwater discharge into existing waterbodies or wetlands shall not modify the existing water levels or flow rate in a substantial manner.
- (C) DIRECT DISCHARGE. Direct discharge of untreated stormwater into a waterbody or wetland shall be prohibited. Stormwater may only be discharged into a waterbody or wetland if it has been designed for that and will be pretreated by a sedimentation trap, sump, or basin to remove sediments and other pollutants. The sediment trap shall be constructed and stabilized before other site grading may take place.
- (D) CONSTRUCTION. Stormwater treatment facilities shall be installed as soon as possible during construction.
- (E) IMPACTS. Any proposed impacts to waterbodies and wetlands shall be permitted by and adhere to applicable regulations of the Department of Environmental Quality or Water Resources Commissioner.

12.9 STORMWATER MANAGEMENT

The following standards apply to the management of stormwater in order to protect the quality of waterbodies and wetlands in the Village and the general environment in the Village.

- (A) GENERAL PROVISIONS. All properties shall comply with the following standards for stormwater management.
- (1) PRETREATMENT. Stormwater shall not be discharged directly into a waterbody or wetland without some form of pretreatment to remove sediments or other pollutants.
 - (2) ONSITE DETENTION. All sites shall retain stormwater onsite or shall detain it to allow discharge without a negative impact on adjacent properties, streets, waterbodies, or wetlands.
 - (3) NATURAL DRAINAGE PATTERNS. Alterations to natural drainage patterns shall not increase runoff, create flooding, or contribute water pollution to adjacent properties or downstream lands.
 - (4) ADVERSE IMPACTS. Stormwater shall be managed in a manner to prevent flood hazards and water pollution related to runoff, soil erosion, and channel erosion.
 - (5) LEVEL OF SERVICE. Land shall not be altered in a manner that will reduce the level of service currently being provided by an existing stormwater system or natural drainage patterns.
 - (6) INCREASED VOLUME. Any increase volume of runoff shall not create adverse impacts to adjacent properties, streets, waterbodies, or wetlands.
 - (7) SWALES. Stormwater shall be conveyed through swales and vegetative strips, to the greatest extent feasible, in order to decrease velocity, allow for natural infiltration, encourage passive storage capacity, allow suspended sediment particles to settle, and to remove pollutants.
- (B) SITE PLANS. In addition to the general provisions outlined in 16.D General Provisions, all site plans shall meet or exceed the Water Resources Commissioner's Standards and Specifications.

12.10 HAZARDOUS MATERIALS AND FUEL STORAGE

The storage, handling, or use of hazardous materials and fuel storage, excluding those for typical household use, shall meet the following standards.

- (A) ABOVE-GROUND STORAGE TANKS. Above-ground storage tanks shall meet the standards outlined below.
- (1) CAPACITY. The maximum capacity shall be three hundred (300) gallons.
 - (2) LOCATION. Above-ground storage tanks shall be located at least seventy-five (75) feet from adjacent lot lines.
 - (3) MOUNTING. Above-ground storage tanks shall be mounted to a solid concrete slab.
 - (4) CONTAINMENT. An impervious surface large enough to contain any liquids and prevent it from contaminating the ground shall be provided.

- (B) UNDERGROUND STORAGE TANKS. Underground storage tanks shall meet the minimum separation distances to wells outlined in the Department of Environmental Quality Remediation Division Underground-Storage Tank Regulations and shall be enclosed in an impervious envelope adequate to prevent any liquid from contaminating adjacent soil.
- (C) SECONDARY CONTAINMENT. Uses that use, store, or handle a hazardous material shall provide secondary containment facilities and documentation of compliance with applicable state and federal regulations.
- (D) POLLUTION INCIDENT PREVENTION PLAN. Uses that use, store, or handle hazardous material shall provide a pollution incident prevention plan with the following information:
 - (1) DISCHARGE. A description of any discharge of any type of water into any surface waterbody or ground water;
 - (2) STORAGE. A description of storage of hazardous materials, including its common name, name of chemical components, material safety data sheet, location, maximum quantity expected on-site, type of storage containers or base material, and anticipated procedures for use and handling;
 - (3) DISPOSAL. A description of the transportation, on-site treatment, storage, or disposal of hazardous waste generated in quantities of two hundred (250) gallons or more or two thousand two hundred (2,200) gallons or more per month;
 - (4) SECONDARY CONTAINMENT. A description of any secondary containment measures, including design, construction materials and specification, volume, and security measures;
 - (5) CONTACTS. The name and contact information of the individual responsible for materials that will be available twenty-four (24) hours a day and updated in a timely manner; and
 - (6) OTHER INFORMATION. Other information determined necessary by the Zoning Administrator to ensure the hazardous materials will not pose a negative impact on the health, safety, or welfare of residents or the environment.

End of Article 12.0

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ARTICLE 13.0

LANDSCAPING

13.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Protect, preserve, and enhance the visual appearance, character, and value of properties and the Township;
- (B) Encourage compatibility between uses and districts through the use of screening or filtering views.
- (C) Improve the local environment by moderating harsh or unpleasant sounds, reducing air pollutants, moderating winds, and effects of microclimates, controlling soil erosion and depletion, and promoting stormwater infiltration;
- (D) Improve the appearance and functionality of off-street parking and loading, other vehicular use areas, and areas abutting public streets;
- (E) Preserve and enhance existing environmental systems and natural features; and
- (F) Establish minimum standards for the design, installation, and maintenance of landscaping, screening, and buffering.

13.2 EXISTING SITES

Landscaping for existing sites that require a site plan shall be brought into compliance with this Article, as outlined below.

- (A) **BUILDING EXPANSION.** Landscaping shall meet the current standards of this Article if the building coverage is increased by ten percent (10%) or more percent from the original conditions or a previously-approved site plan.
- (B) **PARKING LOT EXPANSION.** Landscaping for off-street parking and loading shall meet the current standards of this Article if the parking is increased by ten percent (10%) or more percent from the original conditions or a previously-approved site plan.
- (C) **CHANGE OF USE.** If a use is changed to a more intensive use or expanded, the approving authority shall determine the extent of compliance with the current standards of this Article, based on the nature of the change or expansion of use, the existing landscaping, and the surrounding uses.

13.3 DESIGN STANDARDS

Landscaping shall meet the standards outlined below.

- (A) **LIVE MATERIALS.** Areas of a site associated with a site plan that are not covered by a building, accessory structures, or planting beds, shall be stabilized by grass or other ground covers.
- (B) **MINIMUM LANDSCAPING.** In addition to any required screening, front greenbelt, foundation landscaping and/or parking lot landscaping required by this section, twenty-five (25%) percent of the site area, excluding existing public road right-of-way, or private road easement shall be landscaped. Such site landscaping shall include preservation of existing plant material, grass, ground cover, trees, shrubs and/or other living plant material, but shall not be solely grass. In meeting general site landscaping requirements, particular attention shall be paid to such site elements as transformers, mechanical equipment, ground sign bases, entry ways, and/or retention and detention areas. In particular, the integration of stormwater retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural, rather than square or rectangular, design and appearance shall be encouraged. Fenced retention/detention ponds within a front yard shall be strictly prohibited.
- (C) **UTILITIES.** New landscaping shall be coordinated with existing and planned overhead and buried utilities in order to avoid interference with plant growth or damage to or interruption of utility service.
- (1) **UNDERGROUND UTILITIES.** Landscaping shall be placed so that it will not interfere with underground utilities.
- (2) **OVERHEAD UTILITIES.** Landscaping associated with site plans shall be placed to maintain a distance of at least ten (10) feet when mature from electrical distribution lines and overhead utilities.
- (D) **BERMS.** Berms used to provide buffering or screening shall meet the standards outlined below.
- (1) **SLOPE.** The maximum slope shall be one (1) vertical foot per **three (3)** horizontal feet.
- (2) **HEIGHT.** The maximum height shall be **six (6)** feet.
- (3) **TOP.** The top shall be flat, at least two (2) feet wide, and extend the length of the berm, must the slope at the ends of the berm.
- (4) **PLANTING.** Berms shall be landscaped to prevent erosion.
- (5) **WALLS and FENCES.** Where there is a need to provide a greater visual, noise or dust barrier or to screen more intense development, a solid wall or fence may be required. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade and shall be constructed on both sides with textured concrete, split-face concrete block, wood, brick or stone. Precast panels and formed concrete structures may be used if they provide surface detail and texture equal to or greater than, the materials just named. In addition, a minimum of one tree and six shrubs meeting the minimum size requirements set forth in this subsection shall be planted adjacent to and for each 30 lineal feet of wall or fence.

13.4 SCREENING AND BUFFERING

Screening and buffering shall be provided, as outlined below, in addition to other landscaping.

- (A) **When Required:** A buffer zone is required along the side and rear yard lot lines per the table below. In the CBD and VC Zoning Districts, buffer requirements may be waived or reduced by

the Planning Commission or Zoning Administrator if the site design provides for additional landscaping, better site design, or shared parking and/or ingress and egress drives.

		When Contiguous with These Land Uses				
		Single Family Residential	Multiple Family Residential	Office / Retail / Institutional	Industrial	Automotive
Subject Property	Single Family Residential					
	Multiple Family Residential	Screen 1				
	Office / Retail / Institutional	Screen 2	Screen 2			
	Industrial	Screen 3	Screen 3	Screen 3		
	Automotive	Screen 3	Screen 3	Screen 3		

Screen	Minimum Plant Materials
1	One (1) ornamental AND one (1) evergreen tree every forty (40) lineal feet along the property line
2	One (1) ornamental OR one (1) evergreen tree AND seven (7) upright shrubs per each thirty (30) lineal feet along the property line
3	One (1) ornamental tree, one (1) evergreen tree AND four (4) upright shrubs per each thirty (30) lineal feet along the property line, rounded upward

13.5 PARKING AND LOADING

Landscaping shall be provided for parking and loading areas for commercial uses, as outlined below, in addition to other landscaping.

- (A) **STREET SCREENING.** Screening shall be provided to block the headlights of motor vehicles in off-street parking lots or loading spaces from projecting off the site or onto a street. This shall not require screening for driveways.
- (B) **LANDSCAPING.** Parking lots that provide more than eight (8) parking spaces shall provide additional landscaping along the perimeter or within the parking lot as outlined below.
 - (1) **NUMBER OF TREES.** There shall be at least one (1) tree for every eight (8) parking spaces, rounded up.
 - (2) **LOCATION OF PLANTINGS.** All shrubs and trees shall be at least three (3) feet from the edge of the parking lot, driveway, or curb.
 - (3) **CLEAR VISION.** All plantings within parking lots shall not obstruct vision at a height between thirty (30) inches and eight (8) feet above the parking lot surface. This shall not include tree trunks that do not significantly obscure views.

13.6 PLANTING MATERIALS

Planting materials shall meet the standards outlined below.

- (A) SELECTION. All plant materials shall be hardy to Ortonville, shall be free of disease, insects, and damage, and shall conform to the American Standards for Nursery Stock. Species native to the Ortonville area are preferred.
- (B) MINIMUM SIZE. Trees installed to meet the standards of this Article shall have the minimum sizes below.
- (1) DECIDUOUS SHADE TREES. Deciduous shade trees shall have a caliper of at least two (2) inches.
 - (2) DECIDUOUS ORNAMENTAL TREES. Deciduous ornamental trees shall have a caliper of at least one point five (1.5) inches.
 - (3) CONIFEROUS TREES. Coniferous trees shall have a height of at least six (6) feet.
- (C) VARIETY. When more than three (3) trees are required under this Article, multiple species shall be planted in order to reduce tree loss due to species-specific disease, as outlined in the table below.

Table 13.1: VARIETY

Number of Required Trees	Minimum Number of Tree Species	Minimum Number of Trees per Species
1 to 3	1	1
3 to 19	2	1
20 to 39	3	4
40 to 69	4	7
70 or more	5	10

- (D) PROHIBITED SPECIES. Tree species in the table below shall be prohibited and not count towards the minimum planting requirements for landscaping associated with site plans. The approving authority may allow planting of prohibited species in specific circumstances if the tree will not have a negative impact on the site, adjacent properties, or public safety and there is a plan to adequately address any disease or health concerns of the tree species.

Table 13.2: PROHIBITED SPECIES

Common Name	Scientific Name
Ash	Fraxinus
Black Locust	Robina
Box Elder	Acer Negundo
Callery or Bradford Pear	Pyrus calleryana
Ginko (female only)	Ginko Biloba
Honey Locust	Gleditsia Triacanthos

Mullberry	Morus
Poplar	Populus
Willow	Salix
Siberian Elm	Ulmus Pumila
Slippery Elm or Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifola

13.7 INSTALLATION, MAINTENANCE, AND COMPLETION

Landscaping shall be installed, maintained, and completed as outlined below.

- (A) **COMPLETION.** All landscaping required by this Ordinance shall be installed before issuance of a certificate of zoning compliance.
- (B) **CONDITION.** Landscaping shall be maintained in a reasonably health condition. Unhealthy and dead plant material required by this Article or an approved site plan shall be removed and replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.
- (C) **BRACING.** Any bracing shall be removed within one (1) year of planting. This period may be extended by the Zoning Administrator by periods of up to one (1) year upon determination that the extension is necessary for the healthy growth of the plant.

13.8 ADMINISTRATIVE ADJUSTMENTS

Any of the requirements of this section may be waived or modified through site plan approval, provided the planning commission first makes a finding:

- (A) That the topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative landscape designs.
- (B) That the public benefit intended to be secured by this section will exist with less than the required landscaping or screening.

13.9 LANDSCAPING PLAN

A landscaping plan, prepared and stamped by a landscape architect licensed by the State of Michigan, shall be submitted as part of a site plan. The landscaping plan shall be easily legible in the format submitted. If the landscaping plan requires more than one sheet, match lines and a composite sheet of the overall site shall be provided. Landscaping plans shall be at a scale acceptable to the Village and shall include at least the following information:

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- (A) CALCULATIONS. Calculations used to determine the required plantings;
- (B) PLANTING LIST. The location, quantity, size, spacing, root type, mature canopy extent, and descriptions, including common and scientific names, for each proposed planting;
- (C) PRESERVATION. PLANT MATERIALS TO BE PRESERVED
- (D) REMOVAL. PLANT MATERIALS TO BE REMOVED
- (E) GROUND COVER. Identification of grass and other ground cover plantings and the method of planting;
- (F) SITE CONDITIONS. Significant details used to resolve site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns;
- (G) TOPOGRAPHY. Existing and proposed topography on the site and within one hundred fifty (150) feet of the site at intervals of two (2) feet or less;
- (H) DISTURBED AREAS. The extent and square footage of the area to be disturbed;
- (I) BERMS AND WALLS. LOCATION AND DETAILS OF BERMS AND WALLS
- (J) WATER FEATURES. Location and details of waterbodies;
- (K) IRRIGATION PLAN. Irrigation system plan for watering and drainage of landscape areas; and
- (L) MAINTENANCE. A maintenance program that, at a minimum, includes a statement that all diseased, damaged, or dead plant materials shall be replaced in accordance with this Article and the approved site plan.

End of Article 13.0

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ARTICLE 14.0

LIGHTING

14.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Prevent the glare and reflection of lighting that creates a nuisance or safety hazard to motor vehicle operators, pedestrians, and neighboring properties and uses;
- (B) Promote dark skies, consistent with the Village's small-town character, by limiting intrusive artificial light that degrades the quality of the nighttime visual environment;
- (C) Reduce atmospheric light pollution, light trespass, and off-site impacts of lighting;
- (D) Recognize the need for buildings and sites to provide lighting for safety and security; and
- (E) Establish minimum standards for the placement, orientation, and fixture details for lighting.

14.2 PROHIBITED LIGHTING

The lighting described below shall be prohibited in all zoning districts, unless otherwise specifically permitted in this Article.

- (A) SEARCH LIGHTS. Search lights used for entertainment or advertisement.
- (B) LASERS. The use of lasers and similar high-intensity lighting.
- (C) FLASHING. Flashing, strobing, moving, or intermittent lighting, except those required by the Federal Aviation Administration or consistent with the Michigan Manual on Uniform Traffic Control Devices.
- (D) NON-SHIELDED BULBS. Non-shielded, non-parabolic-type bulbs, except for light emitting diodes used for electronic message signs, where allowed. Neon luminous tube lighting is allowed in the C M-15 Corridor Commercial district.

14.3 EXEMPTIONS

The standards of this Article do not apply to the lighting outlined below.

- (A) INTERIOR LIGHTING. Lighting within a building that is not visible or does not create glare outside of the building.
- (B) RESIDENTIAL LIGHTING. Fixtures for single-family dwellings, accessory dwellings, and two-family dwellings that do not produce glare and have a maximum illumination level of one thousand six hundred (1,600) lumens. [100w incandescent]

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- (C) LANDSCAPING. Decorative landscape lighting for lawns, gardens, and landscaping that is within five (5) feet of the ground, has a maximum illumination level of one hundred (100) lumens per fixture, and does not produce glare. [7w incandescent]
- (D) HOLIDAY DECORATIONS. Seasonal lighting associated with a holiday, such as Christmas, Hanukkah, Halloween, or New Years, with individual lamps that have a maximum illumination level of one hundred fifty (150) lumens and does not produce glare. [10w incandescent]
- (E) TRAFFIC CONTROL. Lighting consistent with the Michigan Manual on Uniform Traffic Control Devices used for traffic control.
- (F) CONSTRUCTION OR EMERGENCY. Temporary lighting for construction or emergencies that is discontinued immediately upon completion of the construction or abatement of the emergency.
- (G) CARNIVAL. Lighting associated with a carnival or festival that does not produce glare and has a maximum illumination level of one (1) footcandle at any lot line or public street.
- (H) TELEVISION OR MOVIE. Lighting for television news or lighting for television or movie production.
- (I) STREET LIGHTING. Lighting installed and maintained by the Village or Road Commission that is designed and maintained to direct light onto a public street.

14.4 GENERAL LIGHTING STANDARDS

All lighting shall meet the standards outlined below, unless otherwise specifically permitted in this Ordinance.

- (A) HAZARD AND NUISANCE. All lighting shall be aimed, located, designed, fitted, and maintained so as to not create a hazard or nuisance to drivers, pedestrians, or neighboring uses and properties.
 - (B) LIGHTING LEVEL. The maximum lighting level along lot lines shall be as outlined below. This shall be measured at ground level along lot lines. When the property is adjacent to a street, the measurement shall be made along the edge of the sidewalk or travelled street, whichever is closer, instead of along the front lot line.
 - (1) RESIDENTIAL. The maximum light level projected onto a residentially-zoned or used property shall be zero point one (0.1) footcandles.
 - (2) NONRESIDENTIAL. The maximum light level projected onto any other property shall be zero point five (0.5) footcandles.
 - (C) COLOR. Light sources shall have a color temperature between two thousand seven hundred (2,700) Kelvin and four thousand (4,000) Kelvin. This shall not apply to neon luminous tubes, architectural accent lighting, and light emitting diodes used for electronic message signs.
 - (D) DIRECTION. Lighting shall be directed away from adjoining lots, rights-of-way, and public spaces to the greatest extent possible.
 - (E) CUT-OFF ANGLE. Light fixtures shall be a full cutoff fixture, with a one hundred (100%) percent cut-off angle above the horizontal plane of the bottom of the fixture. The light source and diffuser shall be located above the horizontal plane of the bottom of the fixture and shall not be visible from off of the site.
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- (F) SHIELDING. Vegetative screens shall not serve as the primary means for controlling glare or lighting levels. Control shall be achieved primarily through the use of full cutoff luminaires, shields and baffles, appropriate mounting height, wattage, direction, and placement.
- (G) DURATION. Outdoor lighting, except for residential uses, shall be turned off or reduced in intensity between the hours of 11:00 pm and 6:00 am. The duration of full intensity may be extended if the approving authority makes a written finding that any one (1) of the following is true:
 - (1) HOURS OF OPERATION. The duration shall be extended to thirty (30) minutes after the use of the site concludes and thirty (30) minutes before the use of the site begins;
 - (2) MOTION DETECTOR. The light fixtures are activated by motion sensors beyond the hours of operation; or
 - (3) SECURITY AND SAFETY. The extended hours of illumination are necessary for the security and safety of the site or the general vicinity.
- (H) WIRING. Electrical service for outdoor lighting that is not attached to a building shall be underground.

14.5 FREESTANDING LIGHTING

Freestanding lighting shall meet the standards outlined below, in addition to other applicable standards.

- (A) LIGHT INTENSITY. The maximum light intensity at ground level below a light fixture shall be ten (10) footcandles.
- (B) HEIGHT. The maximum fixture height shall be twenty (20) feet, measured from the ground adjacent to the light pole to the bottom of the fixture. If a light pole is placed on a berm, the height shall be measured from the base of the berm.
- (C) LOCATION. Freestanding pole lighting located near parking areas, driveways, or streets or within a landscaped parking island shall be at least three (3) feet from the edge of the curb or pavement. Freestanding pole lighting located within parking areas shall be located to minimize interference with traffic flow or use of parking spaces.
- (D) CONCRETE BASE. Freestanding pole lighting located within parking areas shall be mounted on a concrete base at least thirty (30) inches high.
- (E) BOLLARD HEIGHT. Bollard lighting shall have a maximum height of three (3) feet.

14.6 BUILDING AND STRUCTURE LIGHTING

Building and structure-mounted lighting shall meet the standards outlined below, in addition to other applicable standards.

- (A) LIGHT INTENSITY. The maximum light intensity at ground level below a light fixture shall be ten (10) footcandles. The light intensity on any vertical surface shall not exceed five (5) footcandles.
- (B) HEIGHT. The maximum fixture height shall be twenty (20) feet or the height of the building, whichever is less.

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- (C) AWNING LIGHTING. Awnings shall be opaque and not allow any lighting to cause the exterior surface of the awning to glow, and fixtures shall have their bottom surface, including any diffuser, flush with or above the bottom of the awning.
- (D) CANOPY LIGHTING. Fixtures located within a canopy shall have their bottom surface, including any diffuser, flush with or above the bottom of the canopy surface.
- (E) ARCHITECTURAL ACCENT LIGHTING. Architectural accent lighting shall have a maximum illumination level of three hundred (300) lumens per fixture and shall be directed entirely on the structure. [20w incandescent]

14.7 FLAGPOLE LIGHTING

Lighting for flagpoles shall meet the standards outlined below, in addition to other applicable standards.

- (A) PERMITTED FLAGS. Flagpole lighting after 11:00 pm shall be limited to illumination of the United States Flag.
- (B) LIGHT INTENSITY. The fixture shall have a maximum intensity of four thousand five hundred (4,500) lumens per flagpole. [300w incandescent]
- (C) DETAILS. The fixture shall have the smallest beam spread to illuminate the flag and shall be shielded or located to direct light away from streets and adjacent properties and prevent glare.

14.8 STREET LIGHTING

Street lighting shall meet the standards outlined below, in addition to other applicable standards. This section does not apply to street lighting installed and maintained by the Village or the Road Commission.

- (A) GENERAL. Street lighting shall meet the other standards of this Article, except as noted in this Section.
 - (1) LIGHTING LEVEL. Street lighting may exceed the lighting level along lot lines.
 - (2) BREAKAWAY DESIGN. All street poles that are within thirty (30) feet of the travelled road shall be of a breakaway design.
- (B) PUBLIC STREETS. Street lighting within or along a public street right-of-way shall meet the additional standards outlined below.
 - (1) ROAD COMMISSION APPROVAL. The light fixture and location shall be approved by the Road Commission.
 - (2) HEIGHT. The light fixture height may be increased if it allows for attaching to an existing utility pole or is necessary for public safety, as determined by the Road Commission.
- (C) PRIVATE STREETS. Street lighting within or along private street rights-of-way shall meet the additional standards outlined below.

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- (1) LOCATION. Street lighting shall be located within the private street right-of-way. The approving authority may approve a location outside of the right-of-way if the alternate location is necessary to avoid conflicts with utilities or preserve clear vision and appropriate easements are granted.
- (2) MAINTENANCE. The developer shall be responsible for maintaining street lighting until acceptance by the homeowners' association, which will then be responsible for maintenance. The approving authority may approve an alternate maintenance plan if it would provide equal or better maintenance of the street lighting.

14.9 REPLACEMENT

Nonconforming lighting shall be replaced as outlined below.

- (A) NEW USE, ADDITION, OR ALTERATION. Whenever a new use is established or a change is made that requires site plan approval by the Planning Commission, all lighting on the site shall be brought into compliance before the new use may commence.
- (B) RESUMPTION OF USE. If the use of a site with legally nonconforming lighting is abandoned for a period of six (6) or more months, whether or not there was an intent to reestablish the use, all lighting on the site shall be brought into compliance with this Article before the use may be reestablished.
- (C) NEW FIXTURES. Fixtures that are outside of the color temperature range shall be replaced when new lighting fixtures are added to a site.

End of Article 14.0

Remainder of Page left intentionally blank.

ARTICLE 15.0

PARKING AND LOADING

15.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Ensure that adequate off-street parking spaces are provided for off-street storage of motor vehicles for use of occupants, employees, patrons, and visitors;
- (B) Ensure that adequate off-street loading spaces are provided for off-street parking of motor vehicles during loading and unloading;
- (C) Prevent parking and loading from interfering with regular use of streets;
- (D) Reduce or prevent unnecessary traffic congestion and shortage of parking facilities;
- (E) Ensure that off-street parking and loading facilities are designed, located, and maintained in a manner to promote public safety, improve aesthetics, and protect surrounding uses and properties from undesirable impacts;
- (F) Allow flexibility to reduce the impact of off-street parking and loading spaces; and
- (G) Establish standards for off-street parking and loading.

15.2 GENERAL PROVISIONS

All off-street parking and loading shall meet the standards outlined below.

- (A) **ON-SITE.** All required off-street parking and loading shall be located on the site that uses the parking and loading, unless otherwise permitted in this Ordinance.
 - (B) **PARKING NECESSARY.** The off-street parking standards in this Article shall be met in all zoning districts whenever any use is established, expanded, or changed to another use or whenever any building or structure is erected, enlarged, or increased in capacity.
 - (C) **DECREASE IN PARKING.** The number of off-street parking spaces shall not be reduced in a manner that results in not meeting the standards of this Article.
 - (D) **STORAGE PROHIBITED.** The storage of merchandise, trash, or other materials in any parking lot shall be prohibited.
 - (E) **APPROVAL.** Off-street parking, except for single-family and two-family dwellings, shall be approved as part of a site plan.
 - (F) **LIGHTING.** Lighting for off-street parking or loading shall direct light onto the parking or loading area and shall meet the standards of Article 14.0 Lighting.
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15.3 SCHEDULE OF REQUIRED PARKING

The number of required parking spaces shall be determined as outlined below.

- (A) **UNITS OF MEASURE.** For the purposes of determining the number of required parking spaces, the following shall apply, unless otherwise specified in this Ordinance:
 - (1) **DWELLING UNIT.** Each separate dwelling unit shall be used;
 - (2) **BEDROOMS.** Each room that could be used as a bedroom, whether or not it is currently being used as a bedroom, shall be used;
 - (3) **FLOOR AREA.** The useable floor area shall be used;
 - (4) **SEATING.** Each seat that is available shall be used. For places of assembly that uses benches, pews, or similar seating, each twenty-four (24) inches of seating shall be counted as a single seat;
 - (5) **CAPACITY.** The capacity determined by the Building Official or Fire Inspector shall be used;
 - (6) **EMPLOYEES.** The number of employees during the largest shift shall be used; and
 - (7) **FRACTIONAL SPACES.** When the number of required parking spaces is a fraction, the number shall be rounded up to the next whole number.
- (B) **MULTIPLE USES.** When two (2) or more uses use the same off-street parking, the number of required parking spaces shall be the total of the required parking spaces for each use, unless reduced parking, deferred parking, or shared parking has been approved.
- (C) **REDUCED PARKING.** The approving authority may reduce the number of required parking spaces upon making a written finding that there will be a lower demand for parking due to one (1) or more of the following:
 - (1) **SPECIFIC USE.** Specific characteristics of the use require less parking;
 - (2) **WALK-IN TRAFFIC.** A high volume of walking in traffic is anticipated or likely due to sidewalk or safety path connections and the site incorporates or supports pedestrian access;
 - (3) **TRANSIT.** Other forms of transit are available that provide access, and the site incorporates or supports transit access; or
 - (4) **ON-STREET PARKING.** On-street parking is available in the area.
- (D) **DEFERRED PARKING.** Installation of some of the required parking may be deferred to a later date if the approving authority makes a written finding that there are unique characteristics of the proposed use or the site that make it likely there will be a lesser demand for off-street parking.
 - (1) **REQUIRED PARKING.** The site shall be designed, and the site plan shall show that all of the required parking spaces could be installed at a future date.
 - (2) **STORMWATER CAPACITY.** The site shall be designed, and the stormwater management system shall be installed so that it can accommodate the deferred parking in the future.
 - (3) **AGREEMENT.** The property owner shall sign and record an agreement stating that deferred parking will be installed at a future date upon written request to do so. The agreement shall be approved by

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the Village and recorded with the Register of Deeds, with a copy of the recorded agreement provided to the Village.

(E) SHARED PARKING. Off-street parking serving two (2) or more uses or sites may be shared as outlined below.

(1) CALCULATIONS. The total number of required parking spaces for shared parking may be reduced from what would otherwise be required for each individual use based on the calculations below.

a) Industry Standard. In requesting a reduced number of required parking spaces, the applicant shall rely upon a recognized industry standard, such as the Urban Land Institute Shared Parking Report, to determine peak usage at different periods through the day.

b) Underlying Standard. The underlying standard outlined in this Article shall be used to calculate the number of required parking spaces.

c) Peak Demand. For off-street parking serving two (2) or more uses that have operating hours or peak demand that does not overlap, the total number of required parking spaces may be less than the sum of the required parking spaces for each use.

(2) AGREEMENT. Shared parking shall require an agreement between the affected property owners outlining mutual access to and maintenance of the shared parking. The agreement shall be approved by the Village and shall be recorded with the Register of Deeds with a copy of the recorded agreement provided to the Village.

(F) USES NOT LISTED. For uses not listed below, the required number of parking spaces and queuing spaces shall be for the use that the approving authority determines to be the most similar use.

(G) SCHEDULE OF OFF-STREET PARKING AND QUEUING SPACES. The following table outlines the minimum number of off-street parking spaces for established, changed, or expanded structure or use.

Table 15.1: SCHEDULE OF OFF-STREET PARKING AND QUEUING SPACES

	Use	Minimum Number of Spaces
Residential Uses		
	Single-family dwelling	2 spaces per dwelling unit
	Two-family dwelling	2 spaces per dwelling unit
	Multiple-family dwelling	1.5 spaces per dwelling unit and 0.5 spaces for every 3 dwelling units
	Accessory dwelling	1 space per bedroom
	State-licensed residential facility	0.25 spaces per resident or client at maximum occupancy
	Other residential uses	2 spaces per dwelling unit
XXX Uses		
XXX Uses		
XXXI Uses		
XXX Uses		

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[DOWNTOWN PARKING REDUCTION??]

[FEE IN LIEU OF OFF-STREET PARKING??]

15.4 PARKING LOCATION AND DESIGN

Off-street parking shall be designed, constructed, and maintained as outlined below.

(A) GENERAL DESIGN. Off-street parking shall meet the standards outlined below.

- (1) LOCATION. Off-street parking shall be located either on the lot, on an adjacent lot under the same ownership and control as the lot, as part of a shared parking lot, or within three hundred (300) feet of the site.
- (2) ACCESS. Off-street parking shall have adequate ingress and egress by means of a clearly-limited and defined driveway. Backing directly onto a street shall not be allowed for commercial uses or multiple-family dwellings.
- (3) DRAINAGE. Off-street parking shall be graded and drained to direct stormwater runoff flow away from buildings and adjacent properties.

(B) SINGLE-FAMILY AND TWO-FAMILY DWELLINGS. Off-street parking for single-family dwellings and two-family dwellings shall be designed and construed as outlined below.

- (1) SETBACKS. Parking spaces shall be at least **four (4)** feet from side and rear lot lines.
- (2) SURFACES. Parking spaces shall be a hard, durable surface suitable for residential driving and parking, such as asphalt, concrete, gravel, or pavers.
- (3) TYPES. Parking spaces shall consist of a parking strip, driveway, garage, or combination of those.
- (4) CONFIGURATION. Parking spaces shall be at least nine (9) feet wide by eighteen (18) feet deep.

(C) NONRESIDENTIAL AND MULTIPLE-FAMILY DWELLINGS. Off-street parking for nonresidential uses and multiple-family dwellings shall be designed and constructed as outlined below.

(1) SETBACKS. Parking spaces shall be at least four (4) feet from side and rear lot lines.

- (2) SURFACE. Parking spaces, queuing spaces, maneuvering lanes, and driveways shall be constructed of a hard, durable surface of asphalt or concrete. The surface shall be maintained in a good condition. The approving authority may approve an alternative surface, as outlined below.
 - a) Overflow. The alternative surface will be for overflow parking that will be used as approved by the Planning Commission.
 - b) Health. The alternative surface and location of off-street parking will prevent the release of hazardous materials from motor vehicles.
 - c) Intent and Purpose. The alternative surface will be consistent with the intent and purpose of this Ordinance.

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- d) Agreement. There shall be an agreement for approved alternative surfaces, signed by the applicant and property owners, approved by the Village Attorney, and recorded with the Register of Deeds, with a copy provided to the Village that shall include at least the following information:
- 1) Maintenance. A reasonable method of initiating maintenance and improvements necessary to keep the alternative surface in a good, safe condition;
 - 2) Dust Control. What method of dust control will be used;
 - 3) Limitations. Any limitations on the use of the alternative surface for parking; and
 - 4) Acknowledgement. An acknowledgement that the Village may require the alternative surface to be replaced with asphalt or concrete if it is in hazardous or unsafe condition or creates a hazardous or unsafe condition for adjacent properties or rights-of-way.
- (3) DUST. All parking surfaces shall be kept free of dust.
- (4) LANDSCAPING. Landscaping shall meet the standards of Article 13.0.
- (5) LIGHTING. Lighting shall be designed and maintained to direct light onto the parking area only and shall meet the lighting standards of Article 14.0.
- (6) MARKING. Off-street parking with more than **four (4)** parking spaces or any queuing spaces shall be marked to provide for orderly and safe movement and parking of motor vehicles. Marking shall be maintained in a good condition.
- (7) CONFIGURATION. Parking spaces and maneuvering lanes shall meet the configuration standards outlined below.

Table 15.1: CONFIGURATION

Parking Pattern	Parking Space Dimensions		Maneuvering Lane Dimensions ^a	
	Width	Depth	One-way	Two-way
Parallel	8 feet	23 feet	12 feet	22 feet
30° to 75°	10 feet	21 feet	15 feet	22 feet
75° to 90°	10 feet	20 feet	20 feet	22 feet

- a) Maneuvering Lane Width. The approving authority may require a greater maneuvering lane width if it the maneuvering lane is necessary for fire access and a greater width is necessary for fire apparatus access or if a greater width is necessary to accommodate vehicles that are likely to use the site.
- b) Overhang. Parking spaces that overhang adjacent landscaping with a curb or a curbed sidewalk at least seven (7) feet wide may have their length reduced by up to two (2) feet by the approving authority.
- (8) QUEUING SPACE CONFIGURATION. Queuing spaces shall meet the standards outlined below.
- a) Size. Queuing spaces shall be at least nine (9) feet wide and twenty-two (22) feet deep.
 - b) Location. Queuing spaces shall be located so that they do not block access to any driveways or parking spaces or reduce the width or maneuvering lanes.
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- c) Escape Lane. As escape lane will be required for all drive-thru businesses.
- (9) ENDCAPS. The sides of parking spaces shall be separated from driveways, maneuvering lanes, and the front of adjacent parking spaces by a landscaped island at least eight (8) feet wide.
- (10) CONTINUOUS ROW. A maximum row of forty (40) continuous parking spaces shall be allowed. Once there are more than forty (40) continuous parking spaces, the spaces shall be broken up by a landscaped island at least eight (8) feet wide.
- (11) BARRIER FREE PARKING. Barrier free parking spaces shall be provided.
- (12) CURBING. Curbing or bumper blocks shall be provided where parking spaces are adjacent to landscaping, property lines, sidewalks, or required setbacks. This shall not apply to handicapped ramps or raised sidewalks that are at least seven (7) feet wide.

15.5 LOADING SPACE

Every structure or use that is established, changed, or expanded that customarily or is likely to receive or distribute goods or materials by motor vehicle shall provide an off-street loading space.

- (A) ADDITIONAL SPACE. Loading spaces shall not count toward the required off-street parking spaces.
- (B) LOCATION. Loading spaces shall be located in a side or rear yard.
- (C) CONFIGURATION. Loading spaces shall be at least ten (10) feet wide and fifty-five (55) feet deep.
- (D) SCREENING. Off-street loading spaces shall be screened from abutting residential properties and streets with a fence, wall, or evergreen trees or shrubs at least six (6) feet tall.
- (E) LIGHTING. Lighting shall be designed and maintained to direct light onto the loading area or other parking areas and shall meet the lighting standards of Article 14.0.
- (F) ACCESS. Maneuvering necessary to access loading spaces shall take place on the site. It shall not be necessary or possible to back directly onto a street from a loading space.

End of Article 15.0

Remainder of Page left intentionally blank.

ARTICLE 16.0

GENERAL ADMINISTRATION

16.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Establish procedures for administration of this Ordinance;
- (B) Outline the collection of fees and performance guarantees;
- (C) Establish procedures for enforcement of this Ordinance; and
- (D) Establish penalties for violations of this Ordinance.

16.2 ZONING ADMINISTRATOR DUTIES

This Ordinance shall be administered and enforced by the Zoning Administrator, or designee, except where stated otherwise.

- (A) **ISSUE PERMITS.** The Zoning Administrator shall receive applications for and issue any permits outlined in this Ordinance.
 - (B) **ISSUE CERTIFICATES OF ZONING COMPLIANCE.** The Zoning Administrator shall receive applications for and issue certificates of zoning compliance.
 - (C) **REVIEW APPLICATIONS.** The Zoning Administrator shall review all applications submitted to the Planning Commission and Zoning Board of Appeals for completeness before applications are forwarded to those bodies and shall forward all administratively complete applications and materials in a timely manner.
 - (D) **FILE OF APPLICATIONS.** The Zoning Administrator shall keep and maintain a record of all applications. Records shall be made available for public inspection, in accordance with MCL 15.231 et seq (PA 442 of 1976).
 - (E) **INSPECTIONS.** The Zoning Administrator shall make inspections of properties, structures, and uses to administer and enforce this Ordinance.
 - (1) **ASSISTANCE.** The Zoning Administrator may engage the assistance of the Village Planner, Village Engineer, Fire Inspector, Building Official, other officials, or other experts to make inspections.
 - (2) **OBSTRUCTION.** Persons shall not molest, hinder, or obstruct the Zoning Administrator or authorized individuals from the discharge of their duties. Any time a property owner refuses access to a structure or property for the purposes of administering or enforcing this Ordinance, the Zoning Administrator may seek a search warrant to make any necessary inspections.
 - (F) **ORDINANCE VIOLATIONS.** The Zoning Administrator shall be responsible for enforcing the provisions of this Ordinance.
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- (1) INITIATION. Violation complaints and enforcement actions may be initiated by a complaint or by the Zoning Administrator, independently, any time a violation has been identified.
 - (2) RECORD OF COMPLAINTS. The Zoning Administrator shall keep a record of every complaint of violation of this Ordinance and of the subsequent actions taken. Records shall be made available for public inspection.
 - (3) CEASE AND DESIST ORDER. The Zoning Administrator may issue a cease-and-desist order when a structure or property is used in violation of an issued permit or certificate of zoning compliance, conditions established in connection with permits or other approvals, approved special land uses, approved site plans, approved variances, or certificates of zoning compliance or in violation of this Ordinance, as outlined in §**HERE** Cease and Desist Order.
 - (4) STOP WORK ORDER. The Zoning Administrator may issue a stop work order when work is being done in violation of an issued permit, conditions established in connection with permits or other approvals, approved special land uses, approved site plans, or approved variances or in violation of this Ordinance, as outlined in §**HERE** Stop Work Order.
 - (5) CIVIL INFRACTION. The Zoning Administrator shall have the authority to issue municipal civil infractions as outlined in **HERE** and MCL 600.8707(2) (PA 236 of 1961).
- (G) INTERPRETATIONS. The Zoning Administrator shall interpret this Ordinance but shall not make changes to or vary the terms of this Ordinance. Individuals unsatisfied with this interpretation may appeal for an interpretation to the Zoning Board of Appeals.
 - (H) REPORTS. The Zoning Administrator shall submit reports and offer recommendations to the Village Council, Planning Commission, and Zoning Board of Appeals.
 - (I) PROFESSIONAL REVIEW. The Zoning Administrator may arrange for professional reviews when an application requires review by the Village Planner, Village Engineer, Village Attorney, Fire Department, or other professionals in order to determine compliance with this Ordinance, other Township Ordinances, county, state, and federal laws and regulations, or to address possible concerns to public health safety, and welfare.

16.3 FEES

Fees for the issuance of permits, inspections, review of development proposals, and applications to the Planning Commission, Zoning Board of Appeals, or Zoning Administrator shall be submitted in advance of processing or issuance.

- (A) FEE SCHEDULE. The Fee Schedule shall be adopted by the Village Council and shall cover the Village's cost of review and inspection, such as costs associated with conducting public hearings, public body and staff time and mileage, and costs associated with review by qualified professionals.
 - (B) PROFESSIONAL REVIEW. Payment of a review fee may be required to cover anticipated costs of a professional review. The applicant shall receive a copy of any reports and a statement of expenses.
 - (C) FEE BALANCE. The applicant shall receive any unused balance paid towards professional review at the time a permit is issued, an application is approved, or the review of a development proposal is
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concluded, in accordance with Village policy. If the actual professional review costs exceed the fee that was paid, the applicant shall pay the balance before a permit or certificate of zoning compliance is issued.

16.4 PREAPPLICATION MEETINGS

Applicants shall meet with Village Officials, other agencies, and other interested parties before submission of various applications.

- (A) **INTENT.** The intent of the preapplication meeting is to inform Village officials and other interested parties of the general concept of a proposed development and to provide the applicant with feedback and guidance concerning the application. Statements made in the course of a preapplication meeting shall not be legally binding on any party nor construed as representing approval or actions the approving authority may make during review.
- (B) **VILLAGE ATTENDANCE.** The Zoning Administrator shall invite the following individuals to attend the preapplication meeting:
 - (1) **VILLAGE OFFICIALS.** Other Village officials, including, but not limited to: the Planning Commission Chair, the Village Planner, the Village Engineer, the Village Attorney, and the Village DPW Director; and
 - (2) **OTHER AGENCIES.** Officials from other agencies, including, but not limited to: the Road Commission, the Health Division, the Water Resources Commissioner, the Fire Department, and local schools.
- (C) **APPLICANT ATTENDANCE.** The applicant shall attend and shall be responsible for inviting individuals responsible for preparing the plan.

16.5 REVIEW OF COMPLETENESS

All applications submitted for review and approval by the Planning Commission or Zoning Board of Appeals shall be reviewed for completeness by the Zoning Administrator, as outlined below.

- (A) **REVIEW LETTER.** The Zoning Administrator shall issue a review letter within fourteen (14) days of receiving an application stating whether the application is complete or, if not, what additional materials or information is necessary for it to be considered complete.
- (B) **ADMINISTRATIVELY COMPLETE.** The date on which the Zoning Administrator declares an application complete or the expiration of fourteen (14) days from the date of submission, unless declared incomplete, shall be considered the date the application is administratively complete.

16.6 PERFORMANCE GUARANTEES

A performance guarantee may be required by this Ordinance or the approving authority as a condition of approval to ensure compliance with this Ordinance and other applicable laws and regulations, the zoning permit, the approval, a condition of approval, or to protect public health, safety, and welfare.

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- (A) AMOUNT. The amount of the performance guarantee shall be adequate to complete the improvements, restore the site, maintain the site, and cover Village costs.
- (B) FORM. The performance guarantee shall be a cash deposit, performance bond, or irrevocable (evergreen) letter of credit.
- (C) WAIVER OF PERFORMANCE GUARANTEE. The Village Council may waive the requirement for a performance guarantee where one is required by this Ordinance upon finding that all of the following are true:
 - (1) MINOR PROJECT. The scope of the project is of such a limited nature that a performance guarantee is not necessary to ensure completion; and
 - (2) OTHER GUARANTEES. There are other guarantees that will ensure that the project will be developed according to the approval and any conditions of that approval.

16.7 DEVELOPMENT AGREEMENTS

A development agreement between the applicant and the Village shall be required for all final, combined, and amended site plans and planned unit developments in order to ensure compliance with this Ordinance and other applicable laws and regulations and to ensure orderly development while protecting the health, safety, and general welfare.

- (A) AUTHORITY. The Village Council shall have the authority to approve development agreements or waive the requirement for a development agreement, unless otherwise noted.
 - (B) MINIMUM INFORMATION. Development agreements shall contain the following information, unless otherwise approved by the Village Council. Additional information may be included or required, depending on the nature of the project.
 - (1) PERFORMANCE GUARANTEE. Summary of the performance guarantee, including money deposited and the terms of refund.
 - (2) HOURS OF CONSTRUCTION. Any limitations on the hours of construction.
 - (3) IMPROVEMENTS. Indication of what party is responsible for installation and maintenance of improvements.
 - (4) CONSTRUCTION ROUTES. Identification of construction routes to be used and condition roads will be maintained.
 - (5) REFUSE REMOVAL. Description of removal of refuse and waste from the site during construction.
 - (6) TURNOVER. Description of turnover of responsibilities from the developer to an association.
 - (7) TURNOVER NOTICE. Confirmation that the Village will be notified of turnover to an association at least thirty (30) days before turnover.
 - (8) INSPECTIONS. Description of inspections to be conducted and approved before turnover.
 - (9) SPECIAL ASSESSMENT DISTRICT. Consent to create a special assessment district or establish a special assessment if it becomes necessary and the Village takes action to maintain any improvements.
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- (10) OTHER. Other information determined necessary.
- (C) WAIVER. The Village Council may waive the requirement for a development agreement where one is required by this Ordinance, excluding development agreements for planned unit developments, upon finding that all of the following are true:
 - (1) MINOR PROJECT. The scope of the project is of such a limited nature that a development agreement is not necessary to ensure completion; and
 - (2) NO HARM. The lack of a development agreement shall not cause harm to surrounding properties or the Village in general.
- (D) RECORDING. The development agreement, following approval by the Village Council, shall be recorded with the Register of Deeds at the applicant's expense, with a copy provided to the Village.

16.8 NOTICES

Notices shall be given for all public hearings in compliance with MCL 125.3103 (PA 110 of 2006) and as outlined below.

- (A) PUBLIC NOTICE CONTENT. Notices for public hearings shall contain the following:
 - (1) DESCRIPTION. A description of the type and nature of the request;
 - (2) LOCATION. For public hearings involving a specific property or properties, the location of the property or properties involved, including the street addresses. If street addresses do not exist, other means of identification may be used;
 - (3) TIME AND PLACE. The date, time, and place of the public hearing;
 - (4) COMMENTS. A statement describing when and where written comments will be received and a statement that the public may appear at the public hearing in person or by agent; and
 - (5) ASSISTANCE. Information concerning how those requiring assistance will be accommodated.
 - (B) PUBLICATION AND DELIVERY. Notice shall be published and mailed (postmarked) at least fifteen (15) days before a public hearing.
 - (1) NEWSPAPER. Notice shall be published in a newspaper of general circulation in the Village.
 - (2) OWNER/APPLICANT. Notice shall be sent by first class mail or personal delivery to the property owner and applicant.
 - (3) INTERESTED PERSONS. Notice shall be sent by first class mail or personal delivery to the owners and residents of properties within three hundred (300) feet of the property in question and to those registered to receive notice. Only one (1) notice is required for each dwelling.
 - (C) INTERPRETATIONS OR APPEALS OF DECISIONS NOTICE. Notice for interpretations or appeals of decision that do not relate to a specific property shall only require newspaper publication and a letter to the applicant.
 - (D) ZONING TEXT AMENDMENT NOTICE. Notice for zoning text amendments that do not relate to a specific property shall only require newspaper publication and a letter to the application.
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- (E) **REGISTRATION TO RECEIVE NOTICE.** Any public utility, railroad, airport, neighborhood association, or person may register with the Zoning Administrator to receive written notice of all applications requiring public notice.
- (1) **PERIOD.** Registration shall be valid through the end of that calendar year.
- (2) **FEES.** The Village may charge a fee for registering to receive notices.

16.9 PUBLIC HEARINGS

Public hearings, when required by this Ordinance or State law, shall meet the standards outlined below.

- (A) **NOTICE OF HEARING.** Notice of the public hearing shall be given as outlined in Section 16.8 Notices.
- (B) **HEARING APPEARANCE.** Any party may appear in person or by duly-authorized agent or attorney at a public hearing.
- (C) **HEARING RECESS.** Public hearings may be recessed from time-to-time, with notice confirming to the requirements of the Open Meetings Act.
- (D) **ADDITIONAL NOTICE.** If a duly-noticed public hearing is postponed to a specific date, additional public notice shall not be required.

16.10 CONDITIONS OF APPROVAL

Reasonable conditions may be placed on approvals, as outlined below.

- (A) **HEALTH, SAFETY, AND WELFARE.** Conditions shall be designed to protect the health, safety, and welfare of residents, adjacent properties, and the community as a whole.
- (B) **PUBLIC SERVICES AND FACILITIES.** Conditions shall be designed to ensure that public services and facilities affected by a use or structure will be capable of accommodating the resulting service and facility demand.
- (C) **POLICE POWER.** Conditions shall be related to the valid exercise of the police power and purposes that are affected by the activity.
- (D) **COMPLIANCE.** Conditions shall be necessary to ensure compliance with the standards and provisions of this Ordinance, other Village Ordinances, and all applicable laws and regulations.
- (E) **MITIGATION.** Conditions shall be necessary to mitigate any potential negative impacts of the use or improvements.

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16.11 VIOLATIONS, FINES, AND PENALTIES

Violations of any provision of this Ordinance or failure to comply with any of its requirements, including conditions of approval, shall be nuisances per se and municipal civil infractions.

- (A) NUISANCE PER SE. Any use of a structure or property, the erection, alteration, or moving of structure, or any other violation of the provisions of this Ordinance is a nuisance per se. Any act, use, thing, structure, or occupation that violates any provision of this Ordinance is a nuisance per se.
- (B) PARTY TO VIOLATION. The owner of record and tenant of any structure, property, or part thereof, and any architect, contractor, agent, or other person who commits, participates in, assists, aids, or maintains a violation of any provision of this Ordinance may each be found responsible for each separate offence and be subject to the fines and penalties provided in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record, as disclosed in the current assessment roll, has authorized all structures, and uses.
- (C) SCOPE OF REMEDIES. The Village may pursue any and all remedies available. Enforcement by one remedy does not preclude or waive enforcement by another remedy. The imposition of any fine, penalty, jail sentence, or combination of the above shall not exempt a violator from compliance with the provisions of this Ordinance. The rights and remedies provided in this Ordinance are cumulative and are in addition to other remedies provided by law.
- (D) INSPECTION OF VIOLATION. Each alleged violation of this Ordinance shall be inspected, and a record shall be kept of the findings. Records shall be made available for public inspection.
- (E) NOTICE OF VIOLATION. A notice of violation letter may be issued in the form of a written notice describing the nature of the violation of this Ordinance and the period in which the violation is to be remedied.
- (F) CEASE AND DESIST ORDER. A cease-and-desist order may be issued in the form of a written notice ordering an immediate cessation of a use that is in violation of this Ordinance.
 - (1) EFFECTIVE. A cease-and-desist order shall be effective once it has been posted on the property where the violation exists, and a copy has been mailed to the last known address of the property owner. Additional copies may be sent to other responsible parties to the violation, if different and known.
 - (2) EFFECT. Once a cease-and-desist order is in effect, all use or work done in violation of this Ordinance shall stop immediately and shall not resume until the Zoning Administrator issues a written notice ending the cease-and-desist order. Work necessary to secure the structure or property or to correct a violation may continue, as authorized by the Zoning Administrator.
 - (3) VIOLATION. Any violation of a cease-and-desist order shall be a violation of this Ordinance.
 - (4) OTHER REMEDIES. A cease-and-desist order shall be in addition to other penalties and remedies provided by this Ordinance and State and federal law.
- (G) STOP WORK ORDER. A stop work order may be issued in the form of written notice ordering the immediate cessation of the construction of any structure or improvement of property that is in violation of this Ordinance.

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- (1) EFFECTIVE. A stop work order shall be effective once it has been posted on the property where the violation occurs. Copies of the stop work order may be sent to the last known address of the property owner, and additional copies may be sent to other responsible parties to the violation, if different and known.
 - (2) EFFECT. Once a stop work order has been issued, all use or work done in violation of this Ordinance shall stop immediately and shall not resume until the Zoning Administrator issues written notice ending the stop work order. Work necessary to secure the structure or property or to correct a violation may continue, as authorized by the Zoning Administrator.
 - (3) VIOLATION. Any violation of a stop work order or removal of a stop work order without authorization shall be a violation of this Ordinance.
 - (4) OTHER REMEDIES. A stop work order shall be in addition to other penalties and remedies provided by this Ordinance and State and federal law.
- (H) MUNICIPAL CIVIL INFRACTION. Any person who violates this Ordinance or fails to comply with any of its provisions, including conditions of approval, shall be responsible for a municipal civil infraction, as defined by Michigan law.
- (1) REMEDIATION. Payment of a fine shall not allow a violation to continue.
 - (2) SEPARATE OFFENSE. Each day a violation continues shall be considered a separate offense.
 - (3) COSTS AND EXPENSES. If found responsible, the responsible party shall pay costs and expenses, direct and indirect, including, but not limited to staff time and attorney costs, that the Village has incurred.
 - (4) FINES.
- (I) REMEDIES. The Zoning Administrator or Village Attorney may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoy, or remove any unlawful erection, alteration, maintenance, or use. The rights and remedies above are civil in nature.

16.12 REHEARING

A rehearing shall be processed in the same manner as the original application, including a new fee, unless initiated by the Village, as outlined below.

- (A) FILING DEADLINE. A request for a rehearing shall be made within thirty (30) days of the decision becoming final, unless otherwise noted in this Ordinance.
 - (B) DECISION CRITERIA. The only grounds upon which a rehearing of a previously-denied application shall be granted is if the approving authority, upon inspection, finds at least one (1) of the following to be true:
 - (1) NEW EVIDENCE. Newly-discovered evidence is available that is likely to affect the original decision that was made;
 - (2) INACCURATE EVIDENCE. Evidence relied upon to make the original decision is found to be inaccurate in a manner that is likely to affect the original decision; or
 - (3) PROCEDURES. Proper procedures were not followed when the original decision was made.
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- (C) EFFECT. If a rehearing is granted, the approving authority shall review the application and may consider new evidence.

16.13 REAPPLICATIONS

An application that has been denied or revoked shall not be resubmitted for reconsideration for a period of one (1) year from the date the decision became final or the date the revocation was made, unless at least one (1) of the following is true:

- (A) CHANGED CONDITIONS. The approving authority, upon inspection, finds proof of changed conditions that contributed to the denial or revocation.
- (B) CHANGES TO APPLICATION. Substantial changes have been made to the application that address the reasons for denial or revocation.

16.14 SUSPENSION

An approval may be suspended temporarily and immediately by the approving authority, as outlined below.

- (A) PUBLIC HEARING. A public hearing shall not be necessary for suspension of an approval.
- (B) NOTICE. The applicant and property owner shall receive written notice of the possible suspension, including the time and place the suspension will be considered and the reason for the possible suspension.
- (C) DECISION CRITERIA. In order to suspend an approval, the approving authority shall find all of the following to be true:
- (1) THREAT. A severe and imminent threat exists to the health, safety and welfare of neighboring persons or properties;
 - (2) DELAY. The delay required for a public hearing notice would be detrimental to efforts to mitigate or respond to the threat; and
 - (3) LIKELY REVOCATION. There is a reasonable probability that a revocation may be approved.
- (D) EFFECT. All activity and use shall cease immediately upon approval of a suspension, except for work directly related to securing the site or correcting a violation, as approved by the Zoning Administrator.
- (E) REMOVING SUSPENSION. The approving authority shall outline the conditions necessary for removal of the suspension.

16.15 REVOCATION

An approval may be revoked by the approving authority, as outlined below.

- (A) PUBLIC HEARING. A public hearing shall be required for a revocation when the Planning Commission was the approving authority, as outlined in Section 16.9 Public Hearings.
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~~(B)~~ NOTICE. The applicant and property owner shall receive written notice of the possible revocation, including the time and place the revocation will be considered and the reason for the possible revocation.

~~(B)(C)~~ NOTICE OF PUBLIC HEARING. The public hearing shall be noticed as outlined in Section 16.8 Notices. ~~The applicant and property owner shall receive written notice of the possible revocation, including the time and place the revocation will be considered and the reason for the possible revocation.~~

~~(C)~~ (D) DECISION CRITERIA. In order to revoke an approval, the approving authority shall find any one (1) of the following to be true:

- (1) ORDINANCE STANDARDS. The approval was not consistent with a standard of this Ordinance as it existed at the time of approval;
- (2) APPROVAL AND CONDITIONS. The execution of the approval is not consistent with the approval, any condition of approval, or any written commitment; or
- (3) FRAUD. The approval was the result of fraud or misrepresentation of facts.

~~(D)~~ (E) EFFECT. All activity and use shall cease immediately upon approval of a revocation, except for work directly related to securing the site or correcting a violation, as approved by the Zoning Administrator.

~~(E)~~ (F) REINSTATEMENT. An approval that has been revoked shall be submitted for review and approval as a new application in order to reinstate the approval.

16.16 MORATORIUM

The Village Council may adopt a moratorium on the acceptance, processing, or issuance of zoning permits or other applications to temporarily defer or delay development, as outlined below.

(A) INTENT AND PURPOSE. The moratorium shall be necessary to address at least one (1) of the following:

- (1) DIRECT THREAT. Addressing a direct threat to the public health, safety, and welfare;
- (2) OVERBURDENING. Preventing the shortage or overburdening of public facilities or services that would otherwise occur during the period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development or use;
- (3) SERIOUS PUBLIC HARM. Preventing serious public harm due to the application of the existing Master Plan, use and development standards of this Ordinance, and other applicable laws and regulations is not able to prevent serious public harm; or
- (4) DEVELOP STANDARDS. Allowing the Village adequate time to develop and adopt necessary standards or regulations to address a use or structure not adequately addressed in this Ordinance.

(B) PERIOD. A moratorium shall be for a limited, definite period, as outlined below.

- (1) EFFECTIVE DATE. A moratorium may be effective immediately upon adoption.
- (2) PERIOD. A moratorium shall not exceed a period of one hundred eighty (180) days.
- (3) EXTENSION. A moratorium may be extended one (1) time for a period not to exceed one hundred eighty (180) days, if all of the following are true:
 - a) Still Exists. The need for the moratorium continues to exist; and

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- b) Progress. Reasonable progress is being made to address the need for the moratorium.
- (C) RESOLUTION. The moratorium shall be in the form of a resolution adopted by the Village Council.
 - (1) CONTENTS. The resolution adopting the moratorium shall contain the following information:
 - a) Effect. What specifically the moratorium effects;
 - b) Purpose. The intent and purpose of the moratorium; and
 - c) Period. The start and finish dates for the moratorium.
 - (2) PUBLISHING. The resolution adopting the moratorium shall be published in a newspaper of general circulation within fourteen (14) days of adoption, but the moratorium may be effective as soon as adopted.

End of Article 16.0

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ARTICLE 17.0

PERMITS AND APPROVALS

17.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Establish the process for the review and issuance of zoning permits and certificates of zoning compliance;
- (B) Provide a consistent and uniform method of review for zoning permits and certificates of zoning compliance; and
- (C) Ensure full compliance with this Ordinance, other applicable Village Ordinances, and applicable county, state, and federal laws and regulations.

17.2 AUTHORITY

Authority to review and approve permits and certificates of zoning compliance shall be as outlined below.

- (A) ZONING PERMITS. Authority to approve, approve with conditions, or deny zoning permits and associated plot plans and certificates of zoning compliance shall be with the Zoning Administrator.
- (B) APPEAL. Authority to hear an appeal of a decision made by the Zoning Administrator related to zoning permits and certificates of zoning compliance shall be with the Zoning Board of Appeals.

17.3 PERMITS REQUIRED

Permits are required for various structures, uses, and activities, as outlined in the table below.

Table 17.1: PERMITS REQUIRED

Structure, Use, or Activity	Permit Required
Building, Accessory: Sheds, garages, pole barns, or gazebos	
Building, Addition	
Building, New	
Building, Temporary	
Commercial Use, New	
Deck, porch, or patio	
Driveway or sidewalk, impervious	

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Driveway or sidewalk, pervious
Fence or retaining wall
Fence, Garden
Flagpole, 25 feet high or less
Flagpole, more than 25 feet high
Group day care home or group foster care home
Generator or Heat Pump
Play Equipment, Single-family or Two-Family
Play Equipment, Multiple-family or Other
Pool or Hot Tub
Remodel, Exterior: No increase of lot coverage, such as reroofing, siding, windows, and doors
Remodel, Interior: Structural changes but no increase of lot coverage
Remodel, Mechanical: Improvements to mechanical systems, such as electrical, plumbing, heating
Satellite Dish, Antenna, Hamm Radio
Sign, Permanent
Sign, Temporary
Sign, Window
Special Event
Temporary Use

- (A) LIVE MATERIALS. If a specific structure, use, or activity is not listed in TABLE, the Zoning Administrator shall determine which structure, use, or activity in the TABLE is substantially similar in character and impact as the UNLISTED. The UNLISTED shall be subject to the same permit ad plan standards as the similar structure, use, or activity.
- (B) ADDITIONAL PERMITS REQUIRED. Additional permits may be required from different entities, such as building permits, well permits, water approval, septic permits, and sanitary sewer approval.
- (C) STANDARD STILL APPLY. Even though a zoning permit may not be required, the structure, use, or activity shall still comply with all of the applicable standards and provisions of this Ordinance.

17.4 GENERAL PROVISIONS

The following general provisions shall apply to all permits and approvals.

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- (A) ZONING PERMIT REQUIRED. Excavation shall not begin, structures shall not be erected, altered, placed, or moved, and commercial uses shall not be established or changed unless and until a zoning permit has been issued. Issuance of a zoning permit signifies that the proposed structure or use complies with the provisions and standards of this Ordinance, as represented by the application materials.
- (B) BUILDING PERMIT REQUIRED. Excavation shall not begin and structures shall not be erected, altered, placed, or moved unless and until a building permit, when required by Building Code, has been issued by the Building Official.
- (C) CONDITIONS. Reasonable conditions may be placed on zoning permit and certificate of zoning compliance approvals.
- (D) PERFORMANCE GUARANTEE. A performance guarantee may be required as a condition of approval.
- (E) CERTIFICATE OF ZONING COMPLIANCE. Structures shall not be occupied or used without receiving a certificate of zoning compliance. Uses requiring a permit or certificate of zoning compliance shall not start or continue without receiving a certificate of zoning compliance, unless otherwise noted in this ordinance.
- (F) CERTIFICATE OF OCCUPANCY. Structures requiring a certificate of occupancy from the Building Official shall not be occupied or used without receiving a certificate of occupancy. The issuance of a certificate of occupancy shall not be valid unless or until a certificate of zoning compliance, when required, has been issued and shall not be construed as waiving any provision of this Ordinance.
- (G) APPLICANT RESPONSIBILITIES. The applicant shall be responsible for the following:
 - (1) ACCURACY. Ensuring the application and associated materials are complete and accurate;
 - (2) MARKING. Marking the location of proposed structures and lot lines, as requested by the Zoning Administrator;
 - (3) DISPLAY PERMIT. Displaying the approved permit in a manner that is clearly visible from the street right-of-way until a certificate of zoning compliance has been issued; and
 - (4) INSPECTIONS. Contacting the Village in a timely manner for all necessary inspections.
- (H) RIGHT TO ENTER. Submission of a permit application constitutes permission for the Village and its agents to access the property to conduct onsite investigations for the purpose of administering this Ordinance.

17.5 ADDITIONAL APPROVALS

Additional approvals for other bodies, agencies, and entities shall be required for issuance of zoning permits or use of structures, as outlined below.

- (A) SPECIAL LAND USE. Uses or improvements that are classified as special land uses shall receive special land use approval before a zoning permit can be issued.
- (B) SITE PLAN. Uses or improvements that require site plan approval, as outlined in **HERE**, shall require site plan approval before a zoning permit can be issued.

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- (C) VARIANCE. Improvements that require a variance shall receive that approval before a zoning permit can be issued.
- (D) BUILDING PERMIT. A building permit from the Building Official shall be required, as outlined in the Building Code. A building permit shall not be issued and shall not be valid until a zoning permit has been issued for those projects requiring a zoning permit.

17.6 PERMIT PROCESS

Zoning permits shall be reviewed as described below and in this Article.

- (A) APPLICATION. A zoning permit application shall include the following:
 - (1) APPLICATION FORM. A signed and completed application form;
 - (2) FEE. An application fee, as outline din the adopted fee schedule;
 - (3) PLOT PLANS. At least three (3) copies of plot plans or site plans;
 - (4) BUILDING OR STRUCTURE PLANS. At least three (3) copies of building plans or structure plans;
 - (5) ADDITIONAL APPROVALS. Copies of all applicable additional approvals outlined in Section 17.5;
 - (6) ADDITIONAL MATERIALS. Any additional information determined necessary by the Zoning Administrator to determine compliance with this Ordinance and other applicable laws and regulations.
- (B) COMPLETE AND ACCURATE. Submission of an application constitutes a representation that all of the information is complete and accurate.
- (C) ISSUANCE. Zoning permits shall be issued after adequate review when the Zoning Administrator determines that the structure or use are consistent with this Ordinance and other applicable laws and regulations.
- (D) WITHHOLDING APPROVAL. Zoning permit approval may be withheld pending verification that additional approvals outlined in HERE have been secured, to confirm that any conditions of approvals have been satisfied, or to confirm compliance with other applicable laws and regulations.
- (E) EXPIRATION. Any permit approved under this Ordinance shall be valid for a period of **one (1) year**, unless otherwise stated in this Ordinance.
 - (1) NULL AND VOID. If a certificate of zoning compliance has not been issued within this period, the permit shall be null and void.
 - (2) EXTENSION. **Two (2)** extensions of up to **six (6)** months each may be granted if the applicant has demonstrated a good-faith effort to complete the permit and it is likely that the permit will be completed or a certificate of zoning compliance will be issued within the extension period.
- (F) REVOCATION. Following discussion with PC

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**17.7 CERTIFICATE OF ZONING COMPLIANCE
PROCESS**

Certificates of zoning compliance shall be reviewed as described below and in this Article.

- (A) **ISSUANCE.** A certificate of zoning compliance shall be issued after adequate review when the structure and use are consistent with the permit, conditions of the permit, the provisions of this Ordinance, and other approvals by the Village.
- (B) **FINAL GRADING.** Final grading shall be completed or a performance guarantee, as outlined in Section 16.6 shall be provided before a certificate of zoning compliance can be issued.
- (C) **LANDSCAPING.** All landscaping required by this Ordinance, or an approved site plan shall be installed or a performance guarantee, as outlined in Section 16.6 shall be provided to the Village before a certificate of zoning compliance can be issued.
- (D) **VIOLATION.** Use of a structure or property requiring zoning permit approval without a certificate of zoning compliance shall be a per se violation of this Ordinance.

End of Article 17.0

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ARTICLE 18.0

PLOT PLANS

18.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Ensure that improvements will not have a substantially adverse impact on surrounding uses or properties or the public health, safety, and general welfare;
- (B) Provide a consistent and uniform method of review for plot plans;
- (C) Delegate the authority for review of plot plans;
- (D) Define the information necessary for plot plans; and
- (E) Ensure full compliance with the provisions of this Ordinance, other Township Ordinances, and applicable County, State, and Federal laws and regulations.

18.2 PLOT PLANS REQUIRED

Plot plans shall be required for the structures, sites, and uses outlined below.

- (A) **MAJOR ZONING PERMIT**. All structures, sites, and uses that require a major zoning permit shall require a plot plan if they do not require a site plan.
- (B) **FENCE PERMIT**. All fences and retaining walls that require a fence permit shall require a plot plan.
- (C) **SIGN PERMIT**. All signs that require a sign permit shall require a plot plan. If a sign was included as part of an approved site plan, the site plan may be used instead of a plot plan.
- (D) **TEMPORARY ZONING PERMIT**. All temporary uses that include a structure shall require a plot plan.
- (E) **OTHER IMPROVEMENTS**. Other improvements that expand an existing building envelope or cover more ground shall require a plot plan.
- (F) **SITE PLAN**. Structures, sites, and uses that require a site plan, as outlined in Article 19.0, shall not require an additional plot plan.

18.3 PLOT PLAN INFORMATION

Plot plans submitted as part of an application shall include the information necessary to review the application for compliance, as outlined below.

- (A) **READABILITY**. Plot plans shall include a north arrow, scale, and be easily legible in the format submitted. If a plot plan is shown on more than one (1) sheet, match lines and a composite sheet of the

overall lot shall be provided. Plot plans shall be drawn at a legible engineer or architectural scale acceptable to the Zoning Administrator.

- (B) NONAPPLICABLE ITEMS. If any of the required information in 18.1 is not applicable for a specific plot plan, the Zoning Administrator may waive the requirement to include that information, as outlined below.
 - (1) CRITERIA. The omission of information will not negatively impact the ability to review the plot plan for compliance with this Ordinance and other applicable Village, County, State and Federal laws and regulations.
 - (2) RESCINDING WAIVER. The waiver may be rescinded at a later date if it is determined that the information is necessary to review the plot plan.
- (C) OTHER ITEMS. Additional information beyond what is outlined in 18.1 may be required by the Zoning Administrator if it has been deemed necessary to determine compliance with this Ordinance and other applicable Village, County, State, and Federal laws and regulations.
- (D) PLOT PLAN INFORMATION. Plot plans shall include the information outlined in the table below.

Table 18.1: PLOT PLAN INFORMATION

Lot and Zoning Information
North Arrow
Scale, including graphic representation
Location, description, and dimensions of all existing and proposed rights-of-way and access easements
Existing lot lines, buildings, parking areas, and other structures and improvements on and within 50 feet of the site
Proposed lot lines, buildings, parking areas, and other structures and improvements on and within 50 feet of the site
IMPERVIOUS SURFACE COVERAGE
Number of bedrooms
Required setbacks
Building, Structure, and Miscellaneous Information
Location, height, and exterior dimensions of all proposed buildings and structures
Location and distance to existing and proposed buildings within 15 feet of all proposed buildings and structures
Building floor plans
Finished floor elevation
Building façade elevations
Location of exterior lighting
Utilities Information

Location of existing and proposed sanitary sewer or septic systems, including lines, grinder pumps, tanks, and fields

Location of existing and proposed water mains or wells, including exclusion area

Location of existing and proposed above and below-ground utilities, such as gas, electric, telephone, and cable

Location of existing and proposed utility easements

Access and Parking Information

Location and dimensions of off-street parking

Clear vision zones required by this Ordinance

Natural Features Information

Location of existing drainage courses

Location of floodplains, including the base flood elevation and the FIRM panel number

Location of existing and proposed surface waterbodies

Location of existing and proposed wetlands

Grading and Drainage Information

Proposed grading, drainage patterns, and other stormwater management measures

End of Article 18.0

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ARTICLE 19.0

SITE PLANS

19.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Ensure that developments and uses do not have a substantially adverse impact on surrounding uses or properties or the public health, safety, or welfare;
- (B) Ensure compatibility of site layout and harmonious relationships of uses and structures, both within a site and relative to adjacent sites and uses;
- (C) Achieve safe and convenient vehicular and pedestrian movement within a site and relative to the surrounding area;
- (D) Encourage preservation and conservation of natural features and resources;
- (E) Ensure adequate infrastructure and public services are available for developments and uses;
- (F) Define the types of developments and uses that require site plan review and approval;
- (G) Provide a consistent and uniform method for review of site plans;
- (H) Delegate authority for review and approval of site plans;
- (I) Define the information to be included in site plans;
- (J) Ensure that developments and uses are compatible with the goals and objectives of the Master Plan;
- (K) Encourage cooperation and consultation between applicants and the Village; and
- (L) Ensure compliance with the provisions of this Ordinance, other Village ordinances, and other applicable laws and regulations.

19.2 AUTHORITY

Authority to approve, approve with conditions, deny, or modify a site plan, associated applications, and documents is defined below.

- (A) **SITE PLANS.** Authority to approve, approve with conditions, deny, or modify site plans is outlined below.
 - (1) **STANDARD SITE PLANS.** Authority to review standard site plans, including preliminary site plans, final site plans, and combined site plans, shall be with the Planning Commission.
 - (2) **ADMINISTRATIVE SITE PLANS.** Authority to approve administrative site plans shall be with the Zoning Administrator and Planning Commission Chair. Upon written request by the applicant or the Zoning Administrator, authority shall be deferred to the Planning Commission.

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- (3) AMENDED SITE PLANS. Authority to amend an approved site plan shall be with the original approving authority.
- (B) CONDOMINIUM DOCUMENTS. Authority to approve, approve with conditions, deny, or modify condominium documents shall be with the Planning Commission. The Planning Commission may delegate final review to the Village Attorney.
- (C) DEVELOPMENT AGREEMENTS. Authority to approve, approve with conditions, deny, or modify a development agreement shall be with the Village Council, as outlined in 16.7 Development Agreement.
- (D) VARIANCES. Authority to approve, approve with conditions, or deny a variance associated with a site plan shall be with the Zoning Board of Appeals, as outlined in Article 21.0 Zoning Board of Appeals. Authority to review site plans that require a variance shall be with the Planning Commission.
- (E) APPEALS OF DECISION. Authority to hear an appeal of a decision of a site plan shall be with the Zoning Board of Appeals, as outlined in Article 21.0 Zoning Board of Appeals.

19.3 SITE PLANS REQUIRED

Site plan review and approval is required for the following structures, sites, developments, and uses, unless otherwise noted in this Ordinance:

- (A) PERMITTED USES IN CERTAIN ZONING DISTRICTS. All permitted uses as outlined herein.
- (B) SPECIFIC USES IN ANY ZONING DISTRICT. All commercial, industrial, recreational, office, and institutional uses, regardless of the zoning district in which it is located;
- (C) SPECIAL LAND USES. All special land uses;
- (D) MULTIPLE-UNIT DWELLINGS. All multiple-unit dwellings;
- (E) PLANNED UNIT DEVELOPMENTS. All planned unit developments;
- (F) CONDITIONAL ZONING MAP AMENDMENTS. All conditional zoning map amendments;
- (G) CONDOMINIUMS. All condominium projects, including site condominiums, building condominiums, and condominium conversions;
- (H) SUBDIVISIONS. All platted subdivisions;
- (I) AMENDMENTS. All alterations, amendments, additions, or expansions of an existing use or structure that requires site plan review and approval; and
- (J) PARKING LOT ADDITION. All parking lot additions.

19.4 ADMINISTRATIVE SITE PLANS

Administrative site plans, as an alternative to standard site plans or certain minor amendments to approved site plans, are described below. Any site plan requiring a variance must be reviewed by the Planning Commission.

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- (A) PHASING. Changes to or addition of development phasing lines;
- (B) STRUCTURE LOCATION. Moving a building or structure ten (10) feet or less, provided all developmental standards are still met;
- (C) BUILDING HEIGHT. Changes in the height of a building ten (10) feet or less that does not create additional floor area and continues to meet height standards;
- (D) BUILDING SIZE INCREASE. Expansions or additions to existing conforming buildings or construction of a new building with a building coverage of one thousand (1,000) square feet or less;
- (E) BUILDING SIZE DECREASE. Reductions in the size of a building;
- (F) ACCESSIBILITY. Minor reconfiguration of an approved site plan or existing site to allow or improve barrier-free accessibility;
- (G) PEDESTRIAN AMENITIES. Sidewalk, pathway, or safety path addition or relocation;
- (H) GROUP DAY CARE HOME. Establishment of a new or reconfiguration of an existing group day care home;
- (I) FAMILY DAY CARE HOME. Establishment of a new or reconfiguration of an existing family day care home;
- (J) OUTDOOR SALES OR DISPLAY. Addition of outdoor sales or display areas accessory to an existing commercial use, limited to an area of two thousand (2,000) square feet and a period of six (6) months in a calendar year;
- (K) OUTDOOR SEATING. Addition of outdoor dining area for an existing restaurant, limited to an area of one thousand (1,000) square feet and a period of eight (8) months in a calendar year;
- (L) LANDSCAPING. Changes in species, additions, or minor changes in the location of plant material in an approved landscape plan;
- (M) PARKING INCREASE. Increasing parking or loading area by up to twenty (20%) percent of an existing parking area or the parking area in an approved site plan;
- (N) PARKING CONFIGURATION. Internal reconfiguration of existing parking or parking in an approved site plan, provided the number of required parking spaces are still provided;
- (O) ACCESSORY STRUCTURES. The addition or minor relocation of minor accessory structures, such as dumpster enclosures;
- (P) REGULATORY CHANGES. Minor changes relative to an approved site plan that are required following final site plan approval by another governmental agency.

19.5 GENERAL SITE PLAN PROVISIONS

The following general provisions shall apply to all site plans.

- (A) COMBINED SITE PLANS. An applicant may request a combined preliminary and final site plan review at the same time, unless otherwise noted in this Ordinance.

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- (1) MULTIPLE PHASES. Combined site plan review shall not be allowed for a site plan with more than one (1) phase.
 - (2) VARIANCES. Combined site plan review shall not be allowed when a variance is required for the site plan.
 - (3) INFORMATION. Combined site plans shall include information required for both preliminary and final site plans.
 - (4) REVIEW PROCESS. Combined site plans shall be reviewed as outlined in this section, except they shall be subject to the decision criteria for both preliminary and final site plans.
 - (5) COMPLEX SITE PLANS. The Zoning Administrator or Planning Commission may require separate preliminary and final site plan review if, in their opinion, the complexity or size of the proposed project makes such a separation necessary.
- (B) MULTIPLE PHASES. Site plans with multiple phases shall have one (1) preliminary site plan for the entire site and one (1) final site plan for each phase. Future phases beyond those proposed in a final site plan shall not be shown on the submitted final site plan.
- (C) VARIANCES. All site plans requiring a variance shall be reviewed by the Planning Commission and shall require both preliminary and final site plans. The preliminary site plan shall be approved before the Zoning Board of Appeals holds a public hearing for any variances. Any variances shall be approved before the Planning Commission reviews the final site plan.
- (D) CHANGES TO PRELIMINARY SITE PLAN. The Planning Commission may approve changes to an approved preliminary site plan as part of the final site plan.
- (E) DEVELOPMENT AGREEMENT. A development agreement between the applicant and the Village shall be required for final site plans, as outlined in Section 16.7.
- (F) CONDOMINIUM DOCUMENTS. Condominium documents or a master deed for site plans requiring those documents shall have those documents approved by the Village.
- (G) PERFORMANCE GUARANTEE. A performance guarantee may be required by the Village, as outlined in Section 116.6.
- (H) CONDITIONS OF APPROVAL. The approving authority may place reasonable conditions in granting approval, as outlined in this section.
- (1) DEVELOPMENT AGREEMENT. If a development agreement has not been approved or the requirement for a development agreement has not been waived at the time of final site plan approval, approval of the development agreement or waiver of a development agreement shall be a condition of approval, whether or not cited by the approving authority.
 - (2) CONDOMINIUM DOCUMENTS. If condominium documents have not been approved at the time of final site plan approval, approval of the condominium documents shall be a condition of approval, whether or not cited by the approving authority.
 - (3) OTHER APPROVALS. If approvals, permits, or licenses from other agencies have not been granted or secured at the time of final site plan approval, the granting or securing of those approvals, permits, or licenses shall be a condition of approval, whether or not cited by the approving authority.
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- (I) **INSPECTION.** All improvements associated with an approved site plan shall be subject to inspection by the Village or its agents, as outlined below.
 - (1) **SUBGRADE IMPROVEMENTS.** All subgrade improvements, including, but not limited to, utilities, subbase installations for streets, driveways, and parking lots, stormwater management systems, and similar, shall be inspected and approved before covering.
 - (2) **APPLICANT'S RESPONSIBILITY.** The applicant shall be responsible for requesting inspections in a timely manner.
 - (3) **COSTS.** All costs incurred by the Village and its agents to conduct inspections shall be paid by the applicant.
- (J) **MAINTENANCE.** The site shall be maintained in a manner consistent with the approved site plan and any development agreement.

19.6 SITE PLAN REVIEW PROCESS

Site plans shall be reviewed as outlined below.

- (A) **PREAPPLICATION MEETING.** Prior to formal site plan application, all projects requiring site plan review (either administrative or full site plan review) shall schedule a project concept meeting with the township planner and township engineer. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. Township planning staff and such other township representatives as appropriate, including a member of the planning commission, may attend this informal meeting. At this meeting the applicant or his representative is also presented with the applicable procedures required by this chapter for approval of the proposed development and with any special problems or steps that might have to be followed, such as are requests to the zoning board of appeals for a variance. Fees for the project concept will be based on the current township fee schedule.
- (B) **APPLICATION.** An application shall include the materials outlined below. Submission of an application constitutes a representation that all the information is complete and accurate.
 - (1) **APPLICATION FORM.** A signed and completed application form;
 - (2) **FEE.** An application fee and any escrow deposits, as outlined in the adopted fee schedule;
 - (3) **SITE PLANS.** The applicant shall submit at least three (3) hard copies and a digital copy, in a format acceptable to the Village, of the site plan at the time of application and shall submit additional copies following review of completeness.
 - (4) **ADDITIONAL INFORMATION.** Any additional information determined necessary by the Zoning Administrator to determine compliance with this Ordinance and other applicable ordinances, laws, and regulations.

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- (C) RIGHT TO ENTER PROPERTY. Submission of a site plan application shall constitute permission for the Village, its employees, and its agents, to access the property to complete onsite investigations for the purpose of administering this Ordinance.
- (D) REVIEW OF COMPLETENESS. Site plan applications shall be reviewed for completeness, as outlined in this section before they may be placed on a Planning Commission agenda.
- (E) PRELIMINARY SITE PLAN REVIEW. Following a preapplication meeting and review of completeness, the Planning Commission shall review preliminary site plans as described below.
- (1) PUBLIC MEETING. Review of preliminary site plans shall be a duly-noticed public meeting. A public hearing is not required.
- (2) ACTION. Following its review, the Planning Commission shall take one of the following actions:
- a) Approval. Preliminary approval or approval with conditions shall be granted upon finding that the preliminary site plan meets the applicable decision criteria in Section 19.9. The affirmative vote of four (4) members of the Planning Commission is required for approval.
- b) Postponement. If the Planning Commission determines that the preliminary site plan does not contain enough information to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone action to a later date and shall cite the reasons for postponement. A preliminary site plan that does not receive approval or denial shall be considered postponed and shall be placed on the next available Planning Commission agenda; or
- c) Denial. Preliminary site plan approval shall be denied upon finding that the preliminary site plan does not meet the applicable decision criteria in Section 19.9. The affirmative vote of four (4) members of the Planning Commission is required for denial. The Planning Commission shall cite its reasons for denial.
- (3) EFFECT. Preliminary site plan approval confers the right to submit an application for a final site plan.
- ~~(3)~~(4) EXPIRATION. Preliminary site plan approval shall be valid for a period of eighteen (18) months from the date of approval, unless an administratively complete final site plan application has been submitted.
- (F) FINAL SITE PLAN REVIEW. Following preliminary site plan approval and review of completeness, the Planning Commission shall review final site plans as described below.
- (1) PUBLIC MEETING. Review of final site plans shall be a duly-noticed public meeting. A public hearing is not required.
- (2) ACTION. Following its review, the Planning Commission shall take one of the following actions:
- a) Approval. Final approval or approval with conditions shall be granted upon finding that the final site plan meets the applicable decision criteria in Section 19.9. The affirmative vote of four (4) members of the Planning Commission is required for approval.
- b) Postponement. If the Planning Commission determines that the final site plan does not contain enough information to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone action to a later date and shall cite the reasons for postponement. A final site plan that does not receive approval or denial shall be

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- considered postponed and shall be placed on the next available Planning Commission agenda;
or
- c) Denial. Final site plan approval shall be denied upon finding that the final site plan does not meet the applicable decision criteria in Section 19.9. The affirmative vote of four (4) members of the Planning Commission is required for denial. The Planning Commission shall cite its reasons for denial.
- (3) EFFECT. Final site plan approval confers the right to submit applications for permits necessary for the use and any improvements associated with the final site plan.
- (4) EXPIRATION. Final site plan approval shall be valid for a period of eighteen (18) months from the date of approval, unless otherwise noted below.
- a) Development Permits. Administratively-complete applications for uses or improvements shall be submitted within this period or the final site plan shall be considered null and void.
 - b) Substantial Work. Work on the project shall begin within this period and shall be diligently pursued or the final site plan approval shall be considered null and void.
 - c) Effect. Final site plans that have expired shall be resubmitted for review as a new application, subject to this Ordinance at time of resubmission.
 - d) Extension Request. If an application for an extension has been submitted before the expiration date, the final site plan approval shall remain valid until a decision on the extension has been made.
- (5) EXTENSION. The Zoning Administrator and Planning Commission Chair may grant up to two (2) extensions of an approved final site plan for a period of up to six (6) months, as outlined below.
- a) Decision Criteria.
 - b) Notice. Decisions shall be forwarded to the Planning Commission and shall be included in the final site plan record.
 - c) Appeal. A decision to approve or deny an extension request may be appealed to the Zoning Board of Appeals, as outlined in this ordinance.
- (G) ADMINISTRATIVE SITE PLAN REVIEW. Administrative site plans, as defined in § HERE, shall be reviewed as described below.
- (1) ACTION. Following review, the Zoning Administrator and Planning Commission Chair, shall take one of the following actions:
- a) Approval. Approval or approval with conditions shall be granted upon finding that the administrative site plan meets the applicable decision criteria in Section 19.9.
 - b) Postponement. If it is determined that the administrative site plan does not contain enough information to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, action may be postponed to a later date, with the reasons for postponement cited; or
 - c) Denial. Approval shall be denied upon finding that the administrative site plan does not meet the applicable decision criteria in Section 19.9. The reasons for denial shall be cited.
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- (2) EFFECT. Administrative site plan approval confers the right to submit an application for the permits necessary for the approved use and any improvements associated with the approved administrative site plan.
- (3) EXPIRATION. Administrative site plan approval shall be valid for a period of eighteen (18) months from the date of approval, unless otherwise noted below.
 - a) Development Permits. Administratively-complete applications for uses or improvements shall be submitted within this period, or the administrative site plan approval shall be considered null and void.
 - b) Substantial Work. Work on the project shall begin within this period and shall be diligently pursued or the administrative site plan shall be considered null and void.
 - c) Effect. Administrative site plans that have expired shall be resubmitted for review as a new application, subject to this Ordinance at the time of resubmission.
- (H) FILING OF APPROVED ~~ADMINISTRATIVE~~ SITE PLAN. The applicant shall provide four (4) hard copies and a digital copy, in a format acceptable to the Village, of ~~the an~~ approved final site plan, administrative site plan, or amended final site plan within three (3) months of the approval date.
 - (1) MODIFICATIONS AND CONDITIONS. The approved ~~administrative~~ site plan shall include any modifications or conditions required for approval.
 - (2) SIGNATURES. The approved ~~administrative~~ site plan shall be stamped and signed by the Zoning Administrator and signed by the applicant.
 - (3) RECORD. The approved ~~administrative~~ site plan shall become a part of the record. Copies shall be provided to the Zoning Administrator, ~~Township-Village~~ Engineer, and Village Clerk, and the applicant.
 - (4) EFFECT. Administrative site plan approval is not effective and associated permits cannot be issued until the approved administrative site plan has been filed and accepted by the Village.
- (I) AS-BUILT PLANS. The applicant shall provide one (1) hard copy and a digital copy, in a format acceptable to the Village, of the site plan as-constructed or shall provide an engineer's certification that the site was developed in substantial compliance with the approved administrative site plan.
- (J) PERMITS AND IMPROVEMENTS. Permits and improvements associated with uses or improvements requiring site plan approval, as outlined in this ordinance, are subject to the following:
 - (1) PERMITS. The Village shall not issue permits for uses or improvements requiring site plan approval until the final site plan, administrative site plan, or amended site plan has been approved and is in effect; and
 - (2) SITE PREPARATION. Grading, removal of trees or other vegetation, land filling, or construction of any improvements shall not commence until a final site plan, administrative site plan, or amended site plan has been approved and is in effect.

19.7 SITE PLAN AMENDMENTS

All improvements and uses shall conform with the approved site plan. Amendments to an approved site plan shall require approval, as outlined below.

- (A) AMENDMENT. An approved site plan may be amended by the mutual consent of both the applicant and the original approving authority using the review process outlined in this Article.
- (B) APPLICANT'S RISK. Any changes made from the approved site plan is done at the applicant's own risk without assurance that the Village will approve the changes.
- (C) ADMINISTRATIVE SITE PLANS. Limited modifications of a site plan approved by the Planning Commission may be reviewed and approved as an administrative site plan, as defined in §[HERE](#).

8. SITE PLAN INFORMATION

Site plans shall be prepared and include the information outlined below.

- (A) PREPARATION. All site plans shall be prepared and stamped by a professional engineer, architect, landscape architect, or surveyor who is registered or licensed in the State of Michigan.
- (B) READABILITY. Site plans shall be easily legible in the format submitted, as outlined below.
 - (1) CONSISTENCY. The contents of the hard copies and digital copies shall be identical.
 - (2) SCALE. Site plans shall be at maximum scale of one (1) inch equals fifty (50) feet for sites with a lot area of five (5) acres or less or a maximum of one (1) inch equals sixty (60) feet for sites with a lot area of more than five (5) acres. Alternate scales may be approved.
 - (3) PAPER. Hard copies shall be on sheets with a size of twenty-four (24) inches by thirty-six (36) inches. A limited number of hard copies may be provided on sheets with a size of eleven (11) inches by seventeen (17) inches, subject to approval by the Zoning Administrator. All hard copies must be folded, unless otherwise permitted.
 - (4) MULTIPLE SHEETS. Site plans requiring multiple sheets shall clearly show match lines and include a composite sheet of the overall site.
- (C) NONAPPLICABLE ITEMS. If any of the items listed in Table 19.1 are not applicable for a particular site plan, a list of those items shall be included with the application or on the site plan and shall state the reasons why the applicant believes each item shall not be considered necessary.
- (D) WAIVER OF INFORMATION. The [Zoning Administrator and Planning Commission Chair](#) may waive the requirement to include specific information on a site plan, as outlined below.
 - (1) CRITERIA. The omission of the information will not negatively impact the ability to review the site plan for compliance with this Ordinance and other applicable laws, ordinances, and regulations.
 - (2) RESCINDING WAIVER. The waiver may be rescinded by the Planning Commission or Zoning Administrator at a later date if it is determined that the information is necessary to review the site plan for compliance with this Ordinance and other applicable laws, ordinances, and regulations.

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- (E) ADDITIONAL INFORMATION. The approving authority may require additional information beyond what is listed in Table 19.1, that it deems necessary to determine compliance with this Ordinance and other applicable laws, ordinances, and regulations.
- (F) COMBINED SITE PLANS. Combined site plans shall include information required for both preliminary and final site plans.
- (G) AMENDED SITE PLANS. Amended site plans shall include information for the type of site plan being amended and shall clearly illustrate what is being amended.
- (H) SITE PLAN INFORMATION. Site plan applications and site plans shall include the information outlined below.

Table 19.1: SITE PLAN INFORMATION

(1) APPLICATION	Prelim	Final	Amend	Admin
a) Name, address, and contact information for applicant(s) and property owner(s)	X	X	X	X
b) Address(es), parcel id(s), and legal description(s) of the site	X	X	X	X
c) Site dimensions	X	X	X	X
d) Gross and net lot area	X	X	X	X
e) Zoning district(s) of the site	X	X	X	X
f) Description of the proposed project or use	X	X	X	X
g) Name(s) and address(es) of the individual(s) and firm(s) that prepared the site plan	X	X	X	X
h) Proof of ownership and control or authority	X	X	X	X
i) Proof that all property taxes and special assessments have been paid	-	X	X	X

(2) GENERAL SITE PLAN INFORMATION	Prelim	Final	Amend	Admin
a) Project name	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
b) Title block	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
c) Sheet index	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
d) North arrow	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
e) Scale, including graphic representation	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>f) Date or revision date of the site plan</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>f)g) Seal of the architect, engineer, surveyor, or landscape architect licensed in the State responsible for preparing the site plan</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

(3) SITE AND ZONING INFORMATION	Prelim	Final	Amend	Admin
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a) Certified survey and legal description of the existing and proposed site	X	X	X	X
b) Address(es) and parcel id(s)	X	X	X	X
c) Location map, showing the site relative to major roads and intersections	X	X	X	X
d) Zoning district of the site and all properties within 300-150 feet of the site	X	X	X	X
e) Existing and proposed lot lines on and within 150 feet of the site	X	X	X	X
f) Required setbacks, drawn on the plan and in table form	X	X	X	X
g) Existing and proposed use of the site and all properties within 300-150 feet of the site	X	X	X	X
h) Existing and proposed net and gross lot area of the site	X	X	X	X
i) Location of phasing boundaries and phasing schedule	X	X	X	X

(4) PHYSICAL FEATURES	Prelim	Final	Amend	Admin
a) Locations and dimensions of existing and proposed rights-of-way				
b) Location, legal description, and type of all existing and proposed easements and deed restrictions				
c) Existing and proposed structures on the site, including dimensions, setbacks, floor plans, and elevations				
d) Existing and proposed dumpster enclosure location and details				
e) Building coverage, including square footage and percentage of the lot area				
f) Impervious coverage, including square footage and percentage of the lot area	-	X	X	X
g) Existing structures and improvements within 300-150 feet of the site	X	X	X	X
h) Any other physical features having a substantial impact on the site	X	X	X	X

(5) NATURAL FEATURES	Prelim	Final	Amend	Admin
a) Location and description of existing plant materials, identifying those to remain and those to be removed	X	X	X	X
b) TREES?				

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c) Listing of rare or endangered species of flora or fauna	X	X	X	X
d) Topography of the site and within 150 feet of the site at 2-foot or better contours, based on USGS NAVD 88 and referenced to a USGS benchmark	X	X	X	X
e) Location and description of reference benchmarks	X	X	X	X
f) Location of steep slope areas	X	X	X	X
g) Location of existing and proposed drainage courses	X	X	X	X
h) Location of floodplains, including the base flood elevation and FIRM panel number	X	X	X	X
i) Location and area of existing and proposed surface water	X	X	X	X
j) Location and area of existing and proposed wetlands, identifying any to be removed	X	X	X	X
k) Soil information, including soil map, soil type(s), and any limitations on development	X	X	X	X
l) Soil boring logs and geotechnical reports	-	X	X	X

(6) ACCESS, CIRCULATION, AND PARKING	Prelim	Final	Amend	Admin
a) Location of existing and proposed streets, intersections, driveways, parking lots, and safety paths on and within 300 feet of the site	X	X	X	X
b) Names of proposed streets	X	X	X	X
c) Dimensions, curve radii, centerlines, and widths of existing and proposed streets, driveways, and parking lots	-	X	X	X
d) Cross sections and details of proposed streets, driveways, parking lots, sidewalks, and safety paths	-	X	X	X
e) Dimensions of acceleration, deceleration, and passing lanes	-	X	X	X
f) Calculation for number of required parking spaces, including floor area and number of employees or number of dwelling units	X	X	X	X
g) Location of parking spaces, queuing spaces, island, maneuvering lanes, and loading space	X	X	X	X
h) Dimensions of parking spaces, queuing spaces, islands, maneuvering lanes, and loading spaces	-	X	X	X
i) Fire lane designation, including location and specifications of fire lane signs	-	X	X	X
j) Location and specifications of traffic regulatory signs and pavement markings	-	X	X	X

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k) Shared parking agreement, for sites with shared parking	-	X	X	X
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(7) LANDSCAPING	Prelim	Final	Amend	Admin
a) Conceptual illustration of existing and proposed landscaping and screening	X	-	-	-
b) Calculations used to determine the required plantings	X	X	X	X
c) Location of all proposed plant materials	-	X	X	X
d) Location and description of existing trees to be removed	X	X	X	X
e) Location and description of existing trees to remain and protective fencing location and details	X	X	X	X
f) Schedule of all proposed plant materials, including botanical and common names, number, size, and root type	-	X	X	X
g) Proposed groundcover for all unpaved and unbuilt areas	-	X	X	x
h) Location and dimensions of required greenbelts and buffering	X	X	X	X
i) Location of existing and proposed utilities	X	X	X	X
j) Irrigation details sufficient to demonstrate that adequate irrigation will be provided to landscaped areas	-	X	X	X
k) Proposed dates of plant installation	-	X	X	X
l) Statement that landscape will be maintained in a health, neat, and orderly appearance, free from refuse and debris, and unhealthy and dead plant material shall be replaced	-	X	X	X

(8) LIGHTING	Prelim	Final	Amend	Admin
a) Locations of all existing and proposed freestanding, building-mounted, and canopy-mounted light fixtures	X	X	X	X
b) Photometric plan with a grid overlaid on the site plan showing the light intensity through the site and along the site boundaries in foot candles	-	X	X	X
c) Manufacturer's specifications and cut sheets for light fixtures, including the total luminance output, lamp type, voltage, method of shielding, and all applicable accessories	-	X	X	X
d) Color temperature of light fixtures	-	X	X	X
e) Height of pole fixtures	-	X	X	X
f) Description of timer or dimmer controls	-	X	X	X

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(9) BUILDING, STRUCTURE, AND MISCELLANEOUS	Prelim	Final	Amend	Admin
a) Location, height, and exterior dimensions of all existing and proposed buildings and structures on the site	X	X	X	X
b) Building floor plans, including total area	-	X	X	X
c) Finished floor level for all existing and proposed buildings on the site	-	X	X	X
d) Building façade elevations for all sides of existing and proposed buildings	-	X	X	X
e) Location, size, height, area, and lighting details of all existing and proposed signs on the site	-	X	X	X
f) Location of dumpster, dumpster enclosure, transformer pads, HVAC equipment, generators, and screening methods	-	X	X	X
g) Location of any outdoor sales or display areas	X	X	X	X

(10) UTILITIES	Prelim	Final	Amend	Admin
a) Location of existing and proposed utility easements	X	X	X	X
b) Location of existing and proposed above and below ground gas, electric, telephone, cable, internet, and similar utilities within and adjacent to the site	-	X	X	X
e) WATER/SEWER CAPACITY				
e)c) Location of existing and proposed transformers and utility boxes	-	X	X	X
e)d) Location and specifications of existing and proposed fire hydrants, including dry wells, on and within 300 feet of the site	-	X	X	X
f)e) Other information and calculations relevant to stormwater sewer systems, sanitary sewer systems, or water distribution systems	-	X	X	X

(11) GRADING	Prelim	Final	Amend	Admin
a) Conceptual grading plan, including spot elevations, directional arrows, and areas of cutting, filling, and grading	X	-	-	-
b) Final grading plan showing finished contours at 2 feet or better contours, correlated with existing contours, clearly indicating cutting, filling, and grading	-	X	X	
c) Extent of disturbed areas, including square footage and percentage of lot area	-	X	X	X

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d) Soil erosion and sedimentation control measures description and location	-	X	X	X
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(12)STORMWATER	Prelim	Final	Amend	Admin
a) Location of existing and proposed drainage courses for 10-year and 100-year storms, including directional arrows and spot elevations	X	X	X	X
b) Conceptual drainage patterns and other stormwater management measures	X	-	-	-
c) Map showing the areas contributing to the points of inlet and the total area drained	X	X	X	X
d) Map showing outlet points and associated drainage area and boundaries	X	X	X	X
e) Location of existing and proposed stormwater retention/detention ponds and bioswales	X	X	X	X
f) Stormwater retention/detention pond details, including grading, side slopes, high-water elevation, volume, overflow structures, overland relief routes, and outfalls	-	X	X	X
g) Stormwater drainage calculations for volume, peak discharge rate, outlet restrictor size, and percolation rates	-	X	X	X
h) Proof, copy of, and location of any off-site stormwater management easements	-	X	X	X

(13)ADDITIONAL INFORMATION FOR RESIDENTIAL USES	Prelim	Final	Amend	Admin
a) Number of residential dwelling units and number of bedrooms	X	X	X	X
b) UNITS PER ACRE	X	X	X	X

(14)ADDITION INFORMATION FOR NONRESIDENTIAL USES	Prelim	Final	Amend	Admin
a) Floor area, total and useable	X	-	X	X
b) Number of employees, including total and largest shift	-	X	X	X
c) Tennant nature and number	X	X	X	X
d) Hours of operation	-	X	X	X

(15) ADDITIONAL INFORMATION FOR PLANNED UNIT DEVELOPMENTS	Prelim	Final	Amend	Admin
a) HERE				

(16) ADDITIONAL INFORMATION OR STUDIES	Prelim	Final	Amend	Admin
a) Completion schedule, including for each phase	X	X	X	X
b) Table of required permits and the issuing authority	-	X	X	X
c) Depictions of changes made since a previously approved site plan	-	X	X	X
d) Date or revision date of the site plan	X	X	X	X
<u>e)d</u>) Description and location of methods used to contain any hazardous materials	X	X	X	X
<u>f)e</u>) Mud mat location and details	-	X	X	X
<u>g)f</u>) Draft condominium documents	-	X	X	X
<u>h)g</u>) Draft development agreement	-	X	X	X

19.9 SITE PLAN DECISION CRITERIA

Site plans shall be approved or approved with conditions upon a finding by the approving authority that all of the following applicable criteria are true.

Table 19.2 SITE PLAN DECISION CRITERIA

Criteria	Prelim	Final	Amend	Admin
(A) INFORMATION. All of the required information has been provided in the site plan and application or waivers have been approved	X	X	X	X
(B) HEALTH, SAFETY, AND WELFARE. The proposed site and use will not be injurious to the general health, safety, and welfare of the Village and surrounding neighborhood.	X	X	X	X
(C) ORDINANCE. The proposed site and use generally comply with the provisions of this Ordinance.	X	-	-	-
(D) APPLICABLE ORDINANCES AND LAWS. The proposed site and use comply with this Ordinance, all applicable Village Ordinances and regulations, and all applicable county, state, and federal laws.	-	X	X	X
(E) MASTER PLAN. The proposed site and use are generally consistent with the Master Plan.	X	-	X	X

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(F) ORGANIZATION. The proposed site is organized to maximize the harmony, efficiency, and coexistence of the proposed site and use with surrounding properties	X	X	X	X
(G) DETRIMENTAL IMPACTS. The proposed site and use will not create unreasonable negative impacts on the orderly development and use of the surrounding area.	X	-	X	X
(H) ACCESS AND CIRCULATION. The proposed site and use <u>will</u> have adequate and safe vehicular and pedestrian access to and within the site.	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
(I) MITIGATION. The proposed site has been designed to or the approval includes reasonable conditions to address potential negative impacts of the proposed site and use.	-	X	X	X
(J) PUBLIC SERVICES AND UTILITIES. The proposed site and use do not create an unreasonable burden on the provision of public services, including, but not limited to, fire protection, police protection, schools, water, sanitary sewer, and other utilities.	-	X	X	X
(K) ORIGINAL APPROVAL. Approval does not negatively impact the original reasons or conditions of approval.	-	X	X	X

End of Article 19.0

Remainder of Page left intentionally blank.

Special Land Uses Article 20.0

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ARTICLE 20.0
SPECIAL LAND USES

20.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Recognize that there are certain uses that may be necessary or desirable to allow in certain locations within zoning districts but due to their actual or potential impact on neighboring uses or public facilities need to be more-carefully reviewed with respect to location, design, and operation;
- (B) Establish the procedures for review of special land uses;
- (C) Establish the standards for review of special land uses;
- (D) Provide a mechanism for public input on decisions involving more-intense land uses;
- (E) Promote a planned and orderly development pattern that can be adequately served by public facilities and services in a cost-effective manner;
- (F) Provide greater flexibility to integrate land uses within the Village; and
- (G) Ensure that more-intense land uses can be accommodated by the conditions at a specific location.

20.2 AUTHORITY

Authority to approve, approve with conditions, or deny a special land use is described below.

- (A) **APPROVAL.** Authority to approve, approve with conditions, or deny a special land use shall be with the Planning Commission. Its decision shall be final and may not be appealed to the Zoning Board of Appeals.
- (B) **MAJOR AMENDMENT.** Authority to approve, approve with conditions, or deny a major amendment or expansion of an approved special land use shall be with the Planning Commission. Its decision shall be final and may not be appealed to the Zoning Board of Appeals.
- (C) **MINOR AMENDMENT.** Authority to approve, approve with conditions, or deny a minor amendment or expansion of an approved special land use shall be with the Zoning Administrator and Planning Commission Chair. The Planning Commission has the authority to approve, approve with conditions, or deny a minor amendment or expansion of an approved special land use that has been referred from the Zoning Administrator and Planning Commission Chair or at the request of an applicant. Decisions made by the Planning Commission shall be final and may not be appealed to the Zoning Board of Appeals.
- (D) **APPEAL.** The Zoning Board of Appeals shall not have the authority to hear an appeal of a special land use decision made by the Planning Commission. The Zoning Board of Appeals shall have the authority to hear a special land use decision made by the Zoning Administrator and Planning Commission Chair.

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20.3 GENERAL PROVISIONS

The following general provisions shall apply for special land uses.

(A) SITE PLAN REQUIRED. Special land uses shall require site plan approval. Special land use approval shall be at the same meeting as preliminary site plan review and before administrative site plan review.

~~(B) SPECIAL LAND USES REQUIRING A VARIANCE. [WHERE TO PLACE IN THE PROCESS.]~~

~~(C)~~(B) SEPARATE APPROVAL. Separate special land use approval shall be required for each use that requires a special land use approval.

~~(D)~~(C) RIGHT TO ENTER PROPERTY. Submission of a special land use application constitutes permission for the Village to access the property to complete onsite investigations for the purpose of administering this Ordinance.

~~(E)~~(D) PERFORMANCE GUARANTEE. The applicant may be required to provide a performance guarantee, as outlined in the Performance Guarantees section of the ordinance before issuance of a zoning permit for a special land use.

~~(F)~~(E) CONDITIONS OF APPROVAL. The approving authority may impose reasonable conditions in granting special land use approval, amendment, or expansion. Violations of such conditions that are made a part of the terms under which a special land use approval, amendment, or expansion is granted, shall be considered a violation of this Ordinance, and shall automatically invalidate the special land use and any zoning permit issued based on that special land use approval.

~~(G)~~(F) PUBLIC HEARING. Special land uses shall be reviewed at a public hearing, as outlined below.

(1) PLANNING COMMISSION REVIEW. Special land uses, including original approval and major amendments or expansions, shall be reviewed by the Planning Commission at a public meeting with a public hearing.

(2) ZONING ADMINISTRATOR AND PLANNING COMMISSION CHAIR REVIEW. Minor amendments or expansions of approved special land uses shall be reviewed by the Zoning Administrator and Planning Commission Chair following a public hearing.

~~(H)~~(G) ZONING PERMIT. A zoning permit shall be required before establishing, expanding, or amending a special land use that has been approved.

~~(I)~~(H) CHANGE OF SPECIAL LAND USE. Change of a special land use to another special land use shall require review and shall be processed in the same manner as a new application.

20.4 REVIEW PROCESS

Special land uses shall be reviewed as described below and in this Article.

(A) PREAPPLICATION MEETING. The applicant shall meet with Village officials, other agencies, and other interested parties before submission of a special land use application, as outlined in this ordinance

(B) APPLICATION. An application for a special land use shall include the information below. Submission of an application constitutes a representation that all of the information is complete and accurate.

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- (1) APPLICATION FORM. A signed and completed special land use application form;
 - (2) FEE. An application fee and any escrow deposits, as outlined in the adopted fee schedule;
 - (3) SITE PLANS. A preliminary site plan meeting the information of table 19.2 shall be provided.
 - (4) STATEMENT OF USE. A statement of use describing the nature of the special land use and any proposed mitigation measures; and
 - (5) ADDITIONAL MATERIALS. Any additional information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance and other applicable laws and regulations.
- (C) REVIEW OF COMPLETENESS. A special land use application shall be reviewed by the Zoning Administrator for completeness, as outlined. If incomplete, the application shall be sent back to the applicant.
- (D) CONTACT WITH PLANNING COMMISSION MEMBERS (EX-PARTE CONTACT). Direct communication with any member of the Planning Commission outside of a public meeting with the intent to influence the member's action or decision shall be prohibited. Written comments may be submitted to the Zoning Administrator for distribution to Planning Commission members. This shall not prohibit Village staff from promulgating staff reports and other related materials to the Planning Commission.
- (E) PLANNING COMMISSION REVIEW. The Planning Commission, following a public hearing, shall approve, approve with conditions, deny, or postpone a special land use based on the decision criteria in Section 20.5 Decision Criteria.
- (1) APPROVAL. If a special land use is approved or approved with conditions, the Planning Commission shall cite its reasons for approval and any conditions necessary for approval. The concurring vote of at least four (4) members of the Planning Commission is required for approval.
 - (2) DENIAL. If a special land use is denied, the Planning Commission shall cite its reasons for denial. The concurring vote of at least four (4) members of the Planning Commission is required for denial.
 - (3) POSTPONEMENT. If the Planning Commission determines that the special land use does not contain enough information to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.
- (F) EXPIRATION. An approved special land use shall run with the land but shall expire, as outlined below.
- (1) ESTABLISHMENT. An approved special land use shall be established within two (2) years of the approval date, or the approval shall become null and void, and the special land use shall extinguish.
 - (2) DISCONTINUATION. An approved special land use that has been inactive for a period of two (2) consecutive years or more, whether or not there is an intent to abandon the special land use, shall be come null and void, and the special land use shall extinguish.
 - (3) NOTICE. Upon finding that an approved special land use has expired, the Zoning Administrator shall send written notice to the property owner to the last known address of record.
 - (4) EFFECT. Special land uses that have expired shall be resubmitted and processed as a new application in order to reestablish the special land use.

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- (G) REHEARING. A rehearing for a special land use shall be processed in the same manner as the original application.
- (H) REAPPLICATION. A special land use that has been denied shall not be resubmitted, except as allowed in §HERE Reapplication.
- (I) SUSPENSION. An approved special land use may be suspended immediately and temporarily by the Planning Commission, as outlined in §HERE Suspension.
- (J) REVOCATION. An approved special land use may be revoked by the Planning Commission, as outlined in §HERE Revocation.

5. DECISION CRITERIA

Special land uses shall be approved upon a finding by the approval authority that all of the applicable criteria below are true.

- (A) MASTER PLAN. The special land use shall be generally compatible with the goals, objectives, and Future Land Use Map of the Master Plan.
- (B) COMPATIBILITY. The special land use shall not be detrimental or disturbing to existing or reasonably-anticipated future uses in the general vicinity and shall not significantly alter the existing or intended character of the general vicinity.
- (C) SERVICES. The special land use shall be adequately served by and shall not place an unreasonable burden on essential public services and facilities, such as streets, police, fire protection, stormwater drainage, solid waste disposal, water, and sanitary sewage.
- (D) HEALTH, SAFETY, AND WELFARE. The special land use shall not be detrimental to the public health, safety, and welfare of the Village.
- (E) MITIGATION. The special land use shall provide adequate mitigation measures to prevent or minimize negative impacts.
- (F) APPLICABLE LAWS AND REGULATIONS. The special land use shall comply with all applicable provisions of this Ordinance, other Village Ordinances, and other applicable laws and regulations.

6. AMENDMENTS AND EXPANSIONS

Approved special land uses may be amended or expanded after following the review process contained in Section 204 of this section.

End of Article 20.0

Remainder of Page left intentionally blank.

ARTICLE 21.0

ZONING BOARD OF APPEALS

21.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Create and outline the membership, organization, and procedures of the Zoning Board of Appeals;
- (B) Provide reasonable flexibility from the strict application of the provisions of this Ordinance where a practical difficulty has been determined to exist for developmental standards;
- (C) Provide reasonable flexibility from the strict application of the provisions of this Ordinance where an unnecessary hardship has been determined to exist for uses;
- (D) Establish decision criteria and required findings for variances, appeals of decisions, and interpretations;
- (E) Provide a method for interpretation of this Ordinance and review of actions taken in the administration and enforcement of this Ordinance; and
- (F) Ensure that the intent and purpose of this Ordinance be observed, public safety secured, and substantial justice done.

21.2 ESTABLISHMENT AND MEMBERSHIP

- (A) **ESTABLISHMENT.** A Zoning Board of Appeals is hereby established, in accordance with MCL 125.3601 et seq (a part of PA 110 of 2006).
- (B) **MEMBERSHIP.** The Zoning Board of Appeals shall consist of five (5) regular members and two (2) alternate members, as outlined below.
 - (1) **APPOINTMENT.** All members shall be appointed by the Village Council.
 - (2) **PLANNING COMMISSION.** One (1) member shall be a member of the Planning Commission.
 - (3) **VILLAGE COUNCIL.** One (1) member may be a member of the Village Council, but this member shall not serve as the chairperson or vice-chairperson.
 - (4) **RESIDENTS.** All members shall be electors residing within the Village's zoning jurisdiction.
 - (5) **EMPLOYEES.** The Zoning Administrator and other employees or contractors of the Village shall not serve on the Zoning Board of Appeals. For the purposes of this Section, members of the Planning Commission, Zoning Board of Appeals, and Village Council shall not be considered employees or contractors.
- (C) **ALTERNATE MEMBERS.** Alternate members may be called, as needed, in the absence of a regular member or if a regular member has disqualified themselves for reasons of conflict of interest.

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- (1) NOT PLANNING COMMISSION. Alternate members shall not be a member of the Planning Commission.
 - (2) FOLLOWS THE CASE. An alternate member shall serve on a case until a final decision has been made.
 - (3) VOTING RIGHTS. Alternate members shall have the same voting rights as regular members when seated.
- (D) TERMS OF OFFICE. Members shall be appointed for three (3) year terms, except Planning Commission and Village Council members, whose term shall expire at the end of the term on those bodies.
- (1) STAGGERED TERMS. Terms of office shall be staggered.
 - (2) VACANCIES. Vacancies for unexpired terms shall be filled for the remainder of the term.
 - (3) REMAIN SEATED. Members shall remain seated until a replacement has been appointed and qualified, except for Planning Commission or Village Council members no longer seated on those bodies.
 - (4) REAPPOINTMENT. Members may be reappointed.
- (E) CONFLICT OF INTEREST. A member shall disqualify themselves from deliberation and voting on a matter in which the member has a conflict of interest, as outlined in the Zoning Board of Appeals Rules of Procedure and state law. Failure to do so shall constitute malfeasance in office.
- (F) VOTING TWICE. A member who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
- (G) REMOVAL. Any member may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing by the Village Council.

21.3 AUTHORITY AND JURISDICTION

The Zoning Board of Appeals shall act upon questions that arise in the administration of this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in this Ordinance and MCL 125.3601 et seq (PA 110 of 2006).

- (A) VARIANCES. The Zoning Board of Appeals shall have the authority to authorize variances from the standards and provisions of this Ordinance when it determines there is a practical difficulty that prevents a property from complying with the strict letter of this Ordinance for developmental standard variances and an unnecessary hardship for use variances, with such conditions and safeguards as it may determine are necessary so that the intent and purpose of this Ordinance is observed, public safety secured, and substantial justice done.
- (B) APPEALS OF DECISIONS. The Zoning Board of Appeals shall have the authority to hear and decide appeals of decisions where it is alleged by a person aggrieved by a decision that there is an error in any

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order, requirement, permit, decision, action, determination, or refusal made by the Zoning Administrator, any other official, or the Planning Commission in administering or enforcing the provisions of this Ordinance, unless otherwise noted.

- (C) INTERPRETATIONS. The Zoning Board of Appeals shall have the authority to hear and decide the following interpretations:
- (1) UNCLEAR LANGUAGE. The meaning of the text of this Ordinance where the language is not clear or could have multiple meanings;
 - (2) DISTRICT BOUNDARIES. The precise location of the boundary lines between zoning districts where there is dissatisfaction with the administrative decision of the boundary location made by the Zoning Administrator; or
 - (3) CHANGE OF LEGALLY NONCONFORMING USES. The change or substitution of legally nonconforming uses where there is dissatisfaction with the administrative decision made by the Zoning Administrator.
- (D) OTHER DUTIES. The Zoning Board of Appeals shall have the authority to and shall perform other duties as outlined in state law, this Ordinance, and other Village ordinances.
- (E) ZONING MAP AMENDMENTS NOT PERMITTED. The Zoning Board of Appeals shall not have the authority to alter or change the zoning district classification of any property.
- (F) APPEAL OF LEGISLATIVE DECISIONS NOT PERMITTED. The Zoning Board of Appeals shall not have authority to hear an appeal from a legislative decision of the Village Council.
- (G) APPEAL OF CERTAIN ACTIONS NOT PERMITTED. The Zoning Board of Appeals shall not have the authority to hear an appeal from any decision or order of the Planning Commission with respect to special land uses or planned unit developments.

21.4 ORGANIZATION

The Zoning Board of Appeals shall be organized as described below.

- (A) RULES OF PROCEDURE. The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties.
- (B) OFFICERS. The Zoning Board of Appeals shall annually elect a chairperson, vice-chairperson, and secretary.
- (C) MEETINGS AND QUORUM. Zoning Board of Appeals meeting shall be held at least annually according to an adopted schedule and at other times as outlined in its Rules of Procedure. At least three (3) members of the Zoning Board of Appeals shall constitute a quorum. The Zoning Board of Appeals shall not conduct business unless it has a quorum.
- (D) OPEN MEETINGS. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, except for lawfully-called closed sessions.
- (E) OATHS AND WITNESSES. The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.

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- (F) RECORDS. The minutes of all meetings shall contain the grounds for determinations made by the Zoning Board of Appeals, including all evidence and data considered, all findings of fact and conclusions drawn by the Zoning Board of appeals, along with the vote of each member, and the final ruling on each case. The Zoning Board of Appeals shall file its minutes and documents with the Village Clerk's office.

21.5 PROCEDURES

The Zoning Board of Appeals shall observe the following procedures, in addition to its adopted Rules of Procedure.

- (A) APPLICATION. The applicant shall submit a complete and accurate application form. The application shall include all relevant materials, as determined by the Zoning Administrator, which may include, but is not limited to, an accurate site plan or plot plan, based on a survey, building plans, and building elevations. Submission of an application constitutes a representation that all the information is complete and accurate.
- (B) FEE. A fee, as outlined in the adopted fee schedule, shall be submitted at the time of application.
- (C) SCHEDULING. Upon receipt of an administratively-complete application, the request shall be placed on the next available agenda for the Zoning Board of Appeals. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of a special meeting additional fee, as established in the adopted fee schedule.
- (D) PUBLIC HEARING. All petitions to the Zoning Board of Appeals shall be heard at a public hearing, as outlined in Section 16.9.
- (E) APPLICANT'S RESPONSIBILITIES. The applicant for developmental standard variances shall mark the extent of the proposed structure and lot concerns and lot lines of the affected property within one forty (40) feet of the proposed structure at least fifteen (15) days before the meeting.
- (F) CONTACT WITH ZONING BOARD OF APPEALS MEMBERS (EX-PARTE CONTACT). No person shall communicate directly with any member of the Zoning Board of Appeals outside of a public meeting with the intent to influence the member's action or decision. Written comments may be submitted to the Zoning Administrator for distribution to Zoning Board of Appeals members. This shall not prohibit Village staff from promulgating staff reports and other related materials to the Zoning Board of Appeals.
- (G) DECISION. The concurring vote of at least three (3) members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative decision or to decide in favor of the applicant on any matter, unless otherwise noted.
- (1) DECISIONS FINAL. Decisions of the Zoning Board of Appeals shall become final upon adoption of minutes or adoption of a resolution, whichever comes first, unless the Zoning Board of Appeals finds the immediate effect of the decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- (2) APPEAL. A party aggrieved by a decision of the Zoning Board of Appeals may appeal the decision to a court of competent jurisdiction.
- (H) REHEARING. A rehearing shall be processed in the same manner as the original application, as outlined in Section 5.5.
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- (I) REAPPLICATION. An application for a variance which has been denied wholly or in part by the board of appeals shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or changed conditions found by the board of appeals to be valid.

21.6 VARIANCES

The following shall apply to review of variances by the Zoning Board of Appeals.

- (A) LIMITATIONS. Variances shall only be granted when the applicant demonstrates and the Zoning Board determines that a practical difficulty for developmental standards variances or an unnecessary hardship for use variances would result from a failure to grant the requested variance.
- (B) STAY OF PROCEEDINGS. Filing of a completed variance application shall stay all proceedings related to the variance unless the Zoning Administrator certifies to the Zoning Board of Appeals, after a variance application has been filed, that, by reason of facts, a stay would cause imminent peril to life or property, in which case, the proceeding shall only be stayed by a restraining order granted by the Zoning Board of Appeals or a court of record.
- (C) DECISION CRITERIA. The Zoning Board of Appeals shall have the power to authorize specific variances from this Ordinance if it finds, following a public hearing, that all of the following are true:
- (1) DIMENSIONAL VARIANCE CRITERIA. In order to grant a dimensional variance, the Zoning Board of Appeals must find that all of the following are true:
- a) PRACTICAL DIFFICULTY. The strict application of the terms of this Ordinance would constitute a practical difficulty;
 - b) PECULIAR PHYSICAL CONDITION. The practical difficulty is due to some physical condition peculiar to the property involved;
 - c) SELF-CREATED. The practical difficulty is not self-created;
 - d) REASONABLE AMOUNT. The variance is a reasonable amount necessary to mitigate the practical difficulty;
 - e) HEALTH, SAFETY, AND WELFARE. Approval of the variance will not be injurious to the public health, safety, and welfare;
 - f) ADJACENT PROPERTIES. Approval of the variance will not affect the use or value of adjacent properties or the area in a substantially adverse manner; and
 - g) INTENT AND PURPOSE. Approval of the variance is consistent with the intent and purpose of this Ordinance.
- (2) USE VARIANCE CRITERIA. In order to grant a use variance, the Zoning Board of Appeals, by the affirmative vote of at least four (4) members, must find that all of the following are true:
- a) UNNECESSARY HARDSHIP. The strict application of the terms of this Ordinance would constitute an unnecessary hardship;
 - b) UNIQUE CIRCUMSTANCES. The unnecessary hardship is due to unique circumstances peculiar to the property involved and not from general neighborhood conditions;

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- c) SELF-CREATED. The unnecessary hardship is not self-created;
 - d) REASONABLE USE. The property cannot reasonably be used for purposes permitted in that zoning district;
 - e) CHARACTER OF AREA. The requested use would not alter the essential character of the area;
 - f) HEALTH, SAFETY, AND WELFARE. Approval of the variance will not be injurious to the public health, safety, and welfare; and
 - g) ADJACENT PROPERTIES. Approval of the variance will not affect the use or value of adjacent properties or the area in a substantially adverse manner.
- (D) CONDITIONS. The Zoning Board of Appeals may place reasonable conditions on variance approvals, as it determines are necessary to observe the intent and purpose of this Ordinance, secure public safety, and do substantial justice. Violations of such conditions that are made a part of the terms under which a variance is granted, shall be considered a violation of this Ordinance and shall automatically invalidate the variance and any zoning permit issued based on that variance.
- (E) VARIANCE RUNS WITH THE LAND. Variances shall run with the land, unless otherwise noted. Future owners shall enjoy the benefits of and be obliged to follow and comply with the approval and any conditions placed on approval.
- (F) RECORDING. The Village shall prepare the approved notice of variance and conditions, which shall be recorded with the Register of Deeds at the applicant's expense.
- (G) AMENDMENT. The Zoning Board of Appeals may amend an approved variance or conditions of an approved variance upon request of the applicant and following a public hearing if it determines the amendment would continue to meet the decision criteria for granting the original variance. Granting of an amendment shall not extend the period of approval beyond the original period, unless an extension is also granted.
- (H) EXPIRATION. A variance shall be good for a period of one (1) year from the date of the final decision. A complete application for a zoning permit shall be submitted within this period of the variance shall expire, unless an extension has been granted.
- (I) EXTENSION. The Zoning Board of Appeals may grant a single extension of an approved variance of up to one (1) year if it finds all of the following are true:
- (1) Submission Date. An administratively-complete application for extension has been submitted before the expiration date;
 - (2) Good-faith Effort. The project has been diligently pursued or conditions have prevented such action; and
 - (3) No Changes in Conditions. Conditions in the area have not changed, including zoning text and zoning map amendments, that affect the original reasons for approval.
- (J) RIGHT TO ENTER PROPERTY. Filing of a variance application shall constitute permission for the Village to access the property to complete onsite investigations for the purpose of administering this Ordinance.
- (K) ZONING PERMIT NECESSARY. Zoning permits shall be required, as outlined in **HERE**, and shall not be issued until the decision becomes final. If a zoning permit is used and construction begins before the
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deadline for filing a judicial appeal of the Zoning Board of Appeals has passed, the applicant must sign an acknowledgement that all work must stop if an appeal has been filed with the court of jurisdiction and that any work completed may need to be removed at the applicant's expense.

- (L) SITE PLAN APPROVAL NECESSARY. Site plan approval shall be required, for those uses requiring site plan approval.
- (M) DECISION FINAL. The decision of the Zoning Board of Appeals shall be final. However, appeals may be made from the Zoning Board of Appeal's decision to an appropriate court of record, as outlined in state law.

21.7 APPEALS OF DECISIONS

The following shall apply to review of appeals of decisions by the Zoning Board of Appeals.

- (A) STANDING. An appeal of decision may be made by any person or by any office, department, board, agency, or bureau aggrieved by a decision of or action by the Zoning Administrator, any other official, or the Planning Commission in administering or enforcing the provisions of this Ordinance, unless otherwise noted.
- (B) FILING DEADLINE. An appeal of decision application shall be filed within thirty (30) days of the decision or action being appealed, unless otherwise noted in this Ordinance.
- (C) STAY OF PROCEEDINGS. Filing of an administratively-complete appeal of decision application shall stay all proceedings related to the decision or action being appealed unless the Zoning Administrator certifies to the Zoning Board of Appeals, after an appeal of decision application has been filed, that, by reason of facts, a stay would cause imminent peril to life or property, in which case, the proceedings shall only be stayed by a restraining order granted by the Zoning Board of Appeals or a court of record.
- (D) AUTHORITY. The Zoning Board of Appeals may affirm, modify, or reverse, in whole or in part, the order, requirement, decision, determination, or action and may issue or direct the issuance of a zoning permit.
- (E) DECISION CRITERIA. The Zoning Board of appeals shall review the record and decision or action being appealed and determine whether the record supports the decision or action that was made, in light of the standards of this Ordinance. The Zoning Board of Appeals shall uphold the original decision or action, unless it finds, following a public hearing, that at least one (1) of the following is true:
 - (1) Arbitrary or Capricious. The original decision or action was arbitrary or capricious;
 - (2) ERRONEOUS FACT. The original decision or action was based on an erroneous finding of material fact;
 - (3) ABUSE OF DISCRETION. The original decision or action constituted an abuse of discretion; or
 - (4) Erroneous Interpretation. The original decision or action was based on an erroneous interpretation of this Ordinance or zoning law.
- (F) RIGHT TO ENTER PROPERTY. Filing of a appeal of decision application shall constitute permission for the Village to access the property to complete onsite investigations for the purpose of administering this Ordinance

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- (G) **DECISION FINAL.** The decision of the Zoning Board of Appeals shall be final. However, appeals may be made from the Zoning Board of Appeal's decision to an appropriate court of record, as outlined in state law.
- (H) **REFUND.** If the decision being appealed is fully reversed, the applicant shall be refunded the application fee.

21.8 INTERPRETATIONS

The following shall apply to review of interpretations by the Zoning Board of Appeals.

- (A) **ZONING DISTRICT BOUNDARIES.** The Zoning Board of Appeals shall determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.
- (B) **ORDINANCE TEXT.** The Zoning Board of appeals shall interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding on such a request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance, the intent and purpose of the Article in which the language in question is contained, and all other relevant provisions of this Ordinance.
- (C) **CHANGE OF SUBSTITUTION OF LEGALLY NONCONFORMING USE.** The Zoning Board of Appeals shall review changes or substitutions of legally nonconforming uses when there is dissatisfaction with a decision made by the Zoning Administrator. When reviewing a change or substitution of a legally nonconforming use, the Zoning Board of Appeals shall apply the standards outlined in Section 23.0.
- (D) **DECISION FINAL.** The decision of the Zoning Board of Appeals shall be final. However, appeals may be made from the Zoning Board of Appeal's decision to an appropriate court of record, as outlined in state law.
- (E) **REFUND.** If the interpretation being appealed is fully reversed, the applicant shall be refunded the application fee.

End of Article 21.0

Remainder of Page left intentionally blank.

Article 22.0
Administrative
Adjustment

(Place Holder)

ARTICLE 23.0

AMENDMENTS

23.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Establish the process to amend this Ordinance;
- (B) Establish decision criteria to be used when reviewing zoning map amendments, conditional zoning map amendments, and zoning text amendments to this Ordinance;
- (C) Ensure this Ordinance is amended to address changed or changing conditions in the Village; and
- (D) Ensure this Ordinance is amended in order to conform with changes to the Master Plan, other Village ordinance, county, state, and federal laws, and court decisions.

23.2 GENERAL AMENDMENT PROCESS

Zoning map and text amendments to this Ordinance shall be reviewed as described below and in this Article.

- (A) **INITIATION.** Amendments to this Ordinance shall be initiated by the Village Council, Planning Commission, Zoning Administrator, or one (1) or more owner(s) of property within the Village's zoning jurisdiction that is affected by the proposed amendment.
- (B) **APPLICATION.** The applicant shall submit a complete application form and shall include all relevant materials. Submission of an application constitutes a representation that all the information is complete and accurate.
- (C) **FEE.** A fee, as outlined in the adopted fee schedule, shall be submitted at the time of application.
- (D) **REVIEW OF COMPLETENESS.** An application for an amendment of this Ordinance shall be reviewed by the Zoning Administrator for completeness, as outlined within this Section.
- (E) **SCHEDULING.** Upon declaration of an administratively complete application by the Zoning Administrator, the application shall be placed on the next available agenda for the Planning Commission. The applicant may request it be placed on a later meeting agenda or may request a special meeting, with payment of an additional special meeting fee.
- (F) **PUBLIC HEARING.** The Planning Commission shall review amendments to this Ordinance at a public hearing, as outlined in Section 16.9.
- (G) **PLANNING COMMISSION REVIEW.** The Planning Commission, following at least one (1) public hearing, shall forward an amendment to this Ordinance to the Village Council with a favorable or unfavorable recommendation, as outlined 23.3.D. for zoning map amendments, 23.6.E. for conditional zoning map amendments, or 23.5.C. for zoning text amendments.

- (H) VILLAGE COUNCIL REVIEW. The Village Council, following review at a duly-noticed regular meeting or special meeting called for that purpose, shall adopt, not adopt, or return an amendment to this Ordinance, as outlined 23.3.E. for zoning map amendments, 23.6.F. for conditional zoning map amendments, or 23.5.D. for zoning text amendments.
- (I) REAPPLICATION. An application for an amendment to this Ordinance that has been denied shall not be resubmitted for reconsideration, except as permitted in **HERE**.
- (J) PUBLICATION OF NOTICE OF ADOPTION. At least one (1) notice of adoption shall be published in a newspaper of record within fifteen (15) days following adoption of an amendment to this Ordinance. The notice shall contain the following information:
 - (1) Summary or Text. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
 - (2) Effective Date. The effective date of the amendment; and
 - (3) Time and Place. The time and place where a copy of the amended Ordinance may be inspected or purchased.
- (K) EFFECTIVE DATE. An amendment to this Ordinance shall be effective at 12:01 am, seven days after the publication date. A later effective date may be adopted by the Village Council.

23.3 ZONING MAP AMENDMENT

Zoning map amendments shall be reviewed as outlined below.

- (A) APPLICATION MATERIALS. An application for a zoning map amendment shall include the following:
 - (1) Application Form. A signed and completed application form;
 - (2) Fee. A zoning map amendment fee, as outlined in the adopted fee schedule;
 - (3) Survey. The applicant shall submit at least one (1) hard copy and a digital copy, in formats acceptable to the Village, of the survey of the area to be rezoned and shall submit at least **XX** hardcopies following review of completeness;
 - (4) Legal Description. A legal description of the area to be rezoned; and
 - (5) Additional Materials. Any additional information determined necessary by the Zoning Administrator to determine compliance with this Ordinance and other applicable laws.
- (B) RIGHT TO ENTER PROPERTY. Submission of an application for a zoning map amendment shall constitute permission for the Village to access the property to complete onsite investigations for the purpose of administering this Ordinance.
- (C) DECISION CRITERIA. The Planning Commission and Village Council shall consider the following in making a recommendation or a decision when reviewing zoning map amendments:
 - (1) Master Plan. The zoning map amendment shall be compatible with the goals, policies, and future land use of the Master Plan. If conditions have changed significantly since the Master Plan was adopted, the zoning map amendment shall be consistent with recent trends in the area;

- (2) Compatible with Property. The possible uses in the proposed zoning district shall be compatible with the property's physical, geological, hydrological, and other environmental characteristics;
- (3) Compatible with Area. The possible uses in the proposed zoning district shall be compatible with surrounding uses and zoning with respect to land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and potential influence of property values; and
- (4) Infrastructure and Services. There shall be adequate capacity to provide sufficient infrastructure and services for possible uses in the proposed zoning district without compromising the general health, safety, and welfare.

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission, following a public hearing, shall forward a zoning map amendment with a favorable or unfavorable recommendation to the Village Council or postpone action.

- (1) Favorable Recommendation. If a zoning map amendment receives a favorable recommendation, the Planning Commission shall cite its reasons. The affirmative vote of at least four (4) members of the Planning Commission shall be necessary to receive a favorable recommendation.
- (2) Unfavorable Recommendation. If a zoning map amendment receives an unfavorable recommendation, the Planning Commission shall cite its reasons.
- (3) Postponement. If the Planning Commission determines that a zoning map amendment application does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite its reasons for postponement.
- (4) Forward to Village Council. The Planning Commission's recommendation, along with any comments received at a public hearing, shall be forwarded to the Village Council within sixty (60) days of making its recommendation.

(E) **VILLAGE COUNCIL REVIEW.** The Village Council may adopt, not adopt, or return a zoning map amendment to the Planning Commission.

- (1) Actions. The Village Council shall only adopt a zoning map amendment as forwarded by the Planning Commission. Minor corrections may be made to legal descriptions that do not affect the area to be rezoned.
- (2) Adoption. A zoning map amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Village Council.

23.4 CONDITIONAL ZONING MAP AMENDMENT

As an alternative to zoning map amendments, the Village may allow conditional zoning map amendments to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the zoning map amendment process that may be advantageous to both the applicant and the Village. Conditional zoning map amendments shall be reviewed as outlined below.

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Draft August 26, 2022

- (A) PREAPPLICATION MEETING. The applicant may request a preapplication meeting with Village officials, other agencies, and other interested parties before submission of a conditional zoning map amendment, as outlined in 16.4.
- (B) APPLICATION MATERIALS. An application for a conditional zoning map amendment shall include the following:
- (1) Application Form. A signed and completed application form;
 - (2) Fee. A conditional zoning map amendment fee, as outlined in the adopted fee schedule;
 - (3) Survey. The applicant shall submit at least one (1) hard copy and a digital copy, in formats acceptable to the Village, of the survey of the area to be conditionally rezoned and shall submit at least **XX** hardcopies following review of completeness;
 - (4) Legal Description. A legal description of the area to be conditionally rezoned;
 - (5) Zoning Agreement. A draft zoning agreement, as outlined in 23.4.G. listing conditions proposed by the applicant; and
 - (6) Additional Materials. Any additional information determined necessary by the Zoning Administrator to determine compliance with this Ordinance and other applicable laws
- (C) RIGHT TO ENTER PROPERTY. Submission of an application for a conditional zoning map amendment shall constitute permission for the Village to access the property to complete onsite investigations for the purpose of administering this Ordinance.
- (D) DECISION CRITERIA. The Planning Commission and Village Council shall consider the following in making a recommendation or a decision when reviewing a conditional zoning map amendment:
- (1) Master Plan. The conditional zoning map amendment shall be compatible with the goals, policies, and future land use of the Master Plan. If conditions have changed significantly since the Master Plan was adopted, the conditional zoning map amendment shall be consistent with recent trends in the area;
 - (2) Compatible with Property. The possible uses in the proposed zoning district shall be compatible with the property's physical, geological, hydrological, and other environmental characteristics;
 - (3) Compatible with Area. The possible uses in the proposed zoning district shall be compatible with surrounding uses and zoning with respect to land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and potential influence of property values;
 - (4) Infrastructure and Services. There shall be adequate capacity to provide sufficient infrastructure and services for possible uses in the proposed zoning district without compromising the general health, safety, and welfare; and
 - (5) Conditions. The conditions outlined in the zoning agreement are adequate to mitigate possible negative impacts of the conditional zoning map amendment on the surrounding area and the Village.
- (E) PLANNING COMMISSION REVIEW. The Planning Commission, following a duly-noticed public hearing, shall forward a conditional zoning map amendment to the Village Council with a favorable or unfavorable recommendation or postpone action.
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Draft August 26, 2022

- (1) Favorable Recommendation. If a conditional zoning map amendment receives a favorable recommendation, the Planning Commission shall cite its reasons. The affirmative vote of four (4) members of the Planning Commission shall be necessary to receive a recommendation.
 - (2) Unfavorable Recommendation. If a conditional zoning map amendment receives an unfavorable recommendation, the Planning Commission shall cite its reasons.
 - (3) Postpone. If the Planning Commission determines that a conditional zoning map amendment does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary for approval, it may postpone review until a later date and shall cite the reasons for postponement.
 - (4) Forward to Village Council. The Planning Commission's recommendation, along with any comments received at any public hearing(s), shall be forwarded to the Planning Commission within sixty (60) days of making its recommendation.
- (F) VILLAGE COUNCIL REVIEW. The Village Council may adopt, not adopt, or return a conditional zoning map amendment to the Planning Commission. Review shall be conducted at a regular or special meeting called for that purpose.
- (1) Actions. The Village Council shall adopt a conditional zoning map amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for further attention, including a list of specific objections. The Village Council may make minor grammatical corrections that do not change the meaning of the conditional zoning map amendment.
 - (2) Adoption. A conditional zoning map amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Village Council.
- (G) ZONING AGREEMENT. The conditions set forth in the zoning agreement shall be voluntary and equally or more restrictive than the standards that would apply for the proposed zoning district.
- (1) Form. The zoning agreement shall be a written agreement that is approved by the applicant and the Village.
 - (2) Recording. The conditional zoning map amendment shall not be effective until the zoning agreement has been recorded with the Register of Deeds and a copy has been submitted to the Village. Costs for recording the agreement shall be borne by the applicant.
 - (3) Uses and Standards. The zoning agreement may include limitations on the uses or outline more restrictive standards for the property. The zoning agreement shall not authorize uses or less restrictive standards than those of the zoning district.
 - (4) Purpose. Conditions included in the zoning agreement may be related to the use and development of the property that may be necessary for the following:
 - a) Infrastructure and Services. Serving the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, storm drains, or other infrastructure serving the property;
 - b) Impact. Minimizing the impact of the use or development on surrounding properties; or
 - c) Preservation. Preservation of natural features, historic resources, or open space.
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- (5) Additional Information. In addition to any limitations on the use or development of a property, the zoning agreement shall also include all of the following:
 - a) Voluntary and Necessary. An acknowledgement that the zoning agreement was proposed voluntarily by the applicant and the Village relied upon the conditions and may not grant the conditional zoning map amendment without the conditions offered in the zoning agreement;
 - b) Authorized by Law. An acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitutions;
 - c) Development and Use. An acknowledgement that the property shall only be used and developed in a manner consistent with the zoning agreement;
 - d) Site Plan Required. An agreement and understanding that the conditional zoning map amendment is conditioned on obtaining site plan and other associated approvals;
 - e) Uses. An agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the proposed zoning district;
 - f) Binding. An agreement and understanding that approval of the conditional zoning map amendment shall be binding upon and inure to the benefit of the property owner and the Village, their respective heirs, successors, assigns, receivers, or transferees;
 - g) Reversion. An agreement and understanding that if conditional zoning map amendment becomes void, as outlined in this Section, no further development shall take place and the property shall revert back to its original zoning district;
 - h) Legal Description. A legal description of the property affected by the zoning agreement; and
 - i) Other. Any other provisions agreed upon by the applicant and the Village.
- (6) Future Zoning Map Amendment. Nothing in the zoning agreement, nor any statement or provision, shall prohibit the Village from adopting a zoning map amendment for all or a portion of the land that is subject to the zoning agreement.
- (7) Amendment of Zoning Agreement. A zoning agreement shall only be amended by the mutual consent of the property owner, the Planning Commission, and the Village Council following at least one (1) duly-noticed public hearing.
- (H) TIME LIMITATION. The use or uses associated with a conditional zoning map amendment shall commence within two (2) years of the date of approval or the approval shall become null, and void and the property shall revert back to its previous zoning district.

23.5 ZONING TEXT AMENDMENT

Zoning text amendments shall be reviewed as outlined below.

- (A) APPLICATION MATERIALS. An application for a zoning text amendment shall include the following:
 - (1) Application Form. A signed and completed application form, provided by the Village;
 - (2) Fee. A zoning text amendment fee, as outlined in the adopted fee schedule;

- (3) Text. At least one (1) hard copy and a digital copy, in a format acceptable to the Village, of the zoning text amendment, including a detailed statement clearly and completely setting forth all the proposed provisions and regulations with all the necessary changes to this Ordinance, and indication of the purpose of the zoning text amendment, and shall submit at least **XX** additional hard copies following the review of completeness; and
 - (4) Additional Materials. Any additional materials determined necessary by the Zoning Administrator in order to determine compliance with this Ordinance and other applicable laws.
- (B) DECISION CRITERIA. The Planning Commission and Village Council shall consider the following in making a recommendation or decision when reviewing zoning text amendments:
- (1) Master Plan. The zoning text amendment shall be compatible with the goals, policies, and future land use map of the Master Plan; and
 - (2) State and Federal Law. The zoning text amendment shall be consistent with state and federal law.
- (C) PLANNING COMMISSION REVIEW. The Planning Commission, following a public hearing, shall forward a zoning text amendment with a favorable or unfavorable recommendation to the Village Council or may postpone action.
- (1) Favorable Recommendation. If a zoning text amendment receives a favorable recommendation, the Planning Commission shall cite its reasons. The affirmative vote of at least four (4) members of the Planning Commission shall be necessary to receive a favorable recommendation.
 - (2) Unfavorable Recommendation. If a zoning text amendment receives an unfavorable recommendation, the Planning Commission shall cite its reasons.
 - (3) Postpone. If the Planning Commission determines that a zoning text amendment application does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.
 - (4) Forwarded to Village Council. The Planning Commission's recommendation, along with any comments received at any public hearing(s), shall be forwarded to the Village Council.
- (D) VILLAGE COUNCIL REVIEW. The Village Council may adopt, not adopt, or return a zoning text amendment to the Planning Commission.
- (1) Initial Review. The Village Council shall adopt a zoning text amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for further attention, including a list of objections or areas for attention. The Village Council may make minor grammatical corrections that do not change the meaning of the zoning text amendment without returning it to the Planning Commission.
 - (2) Additional Reviews. After a zoning text amendment has been referred to and returned from the Planning Commission, the Village Council shall adopt the zoning text amendment as forwarded by the Planning Commission or with changes or shall return it to the Planning Commission for further attention, including a list of objections or areas for attention.
 - (3) Adoption. A zoning text amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Village Council.

23.6 AMENDMENT REQUIRED BY COURT DECREE

An amendment to this Ordinance for the purpose of complying with the decree of a court of competent jurisdiction as to any specific lands shall be adopted by the Village Council and published without requiring a public hearing or review by the Planning Commission, as outlined in MCL 125.3202(5).

23.7 PETITION FOR REFERENDUM

Registered electors may file a notice of intent to file a petition for referendum within seven (7) days of the publication of an amendment to this Ordinance, as outlined in MCL 125.3402.

End of Article 23.0

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Nonconformities Article 24.0

Ortonville Zoning Ordinance

Draft September 28, 2022

ARTICLE 24.0
NONCONFORMITIES

24.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Allow for the continuation of lots, uses, structures, and sites that were lawful and existing on the effective date of this Ordinance or an amendment to this Ordinance that are no longer permitted;
- (B) Ensure that this Ordinance complies with MCL 125.3208;
- (C) Encourage the combination of contiguous nonconforming lots of record to create lots that are more consistent with the intent of this Ordinance and the Master Plan;
- (D) Ensure there is adequate space on lots to accommodate structures and uses;
- (E) Limit the expansion of nonconforming uses;
- (F) Ensure that any expansion of a legally nonconforming structure does not create a significant negative impact on the health, safety, or welfare of surrounding properties or the community;
- (G) Provide for the maintenance of structures used for legally nonconforming uses and legally nonconforming structures in a manner that does not increase the nonconformity;
- (H) Encourage repair, maintenance, and improvement of legally nonconforming structures in a manner that maintains and improves the neighborhood and does not create a significant negative impact on the health, safety, or welfare, of surrounding properties or the community;
- (I) Encourage the gradual replacement of nonconformities with conformities;
- (J) Encourage the gradual upgrade of improvements associated with site plans;
- (K) Establish standards for the continuation of legally nonconforming lots, uses, structures, and sites.

24.2 GENERAL NONCONFORMITIES

The following shall apply to all nonconformities:

- (A) **ILLEGAL NONCONFORMING.** Nonconforming lots, uses, structures or sites existing on the effective date of this Ordinance or an amendment to this Ordinance that were established without a valid permit or approval or that cannot be proven to have existed on the effective date of this Ordinance or an amendment to this Ordinance are declared illegal nonconforming lots, uses, structures, or sites and shall not be entitled to the status and protections provided to legally established nonconforming lots, uses, structures, or sites.
- (B) **BURDEN.** If there is a question as to whether or not the lot, use, structure, or site is legally nonconforming, it shall be the burden of the applicant or property owner to establish that a nonconforming

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lot, use structure, or site was lawfully established or existed before the effective date of this Ordinance or an amendment to this Ordinance.

- (C) TENANCY AND OWNERSHIP. An existing legally nonconforming lot, use, structure, or site may have a change of tenancy or ownership without affecting the status of the legal nonconformity.

24.3 LEGALLY NONCONFORMING LOTS

Legally nonconforming lots of record that could no longer be created under this Ordinance may continue subject to the standards outlined below.

- (A) USE. Legally nonconforming lots may be used for a permitted or special land use for the zoning district in which it is located, even if the lot does not meet the current district developmental standards.
- (B) STRUCTURES. Structures may be constructed, modified, or expanded on legally nonconforming lots provided the construction, modification, or expansion meets the developmental standards of this Ordinance.
- (C) CONTIGUOUS. Two (2) or more lots of record on the effective date of this Ordinance or an amendment to this Ordinance with continuous frontage or separated by a distance not greater than the width of a street right-of-way that are under single ownership or control shall be considered a single lot for the purposes of this Ordinance if any individual lot or lots do not meet the standards of this Ordinance, such as lot area, lot width, frontage, setbacks, or building coverage.
- (1) DIVISION. A lot described above shall not be divided, sold, or modified in a manner that increases any nonconformity, except as allowed in this Section.
- (2) PERMITS. If a lot described above is divided, sold, or modified in a manner that increases any nonconformity, except as allowed in this Section, the Village shall not issue any permits for the affected properties.
- (3) NOT APPLICABLE. This section shall not apply to a legally nonconforming lot of record that was created before the effective date of this Ordinance if all of the following applicable conditions are true:
- a) Lot Area. The individual lots meet the minimum lot area for the zoning district in which they are located.
 - b) Frontage or Access. The individual lots shall meet the minimum frontage for the zoning district in which they are located.
 - c) Lot Width. The individual lots shall have a lot width at least equal to the minimum lot width for the zoning district in which it is located for at least sixty (60%) percent of the lot's depth; or
 - d) Transfer. An individual lot or portion of a lot is sold or transferred to another adjacent nonconforming lot and the transfer does not create any nonconformities for setbacks or building coverage; or
 - e) Existing Dwellings. The individual lots have existing, separate dwelling units.

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- (D) BOUNDARY LINE ADJUSTMENT. A legally nonconforming lot may be made more nonconforming without a variance through a boundary line adjustment, as outlined below.
- (1) RECEIVING LOT. The receiving lot shall be nonconforming or shall have a nonconforming structure and the boundary line adjustment shall eliminate or reduce the nonconformity.
 - (2) PURPOSES. The boundary line adjustment shall be necessary to achieve at least one (1) of the following goals:
 - a) Lot Area. To increase the lot area of a smaller receiving lot;
 - b) Setbacks. To adjust property lines in a manner that eliminates or reduces a nonconforming setback; or
 - c) Building Coverage. To increase lot area in a manner that eliminates or reduces a nonconforming building coverage.
 - (3) LIMITATIONS. The boundary line adjustment shall have the following limitations:
 - a) Lot Area. The lot area of the giving lot shall not be reduced by more than **ten (10%) percent**;
 - b) Lot Width. The lot width of the giving lot shall be at least **seventy-five (75%)** percent of the minimum lot width for the zoning district in which it is located following the boundary line adjustment; and
 - c) Building Coverage. The building coverage of the giving lot shall continue to meet the standards for the zoning district in which it is located.

24.4 LEGALLY NONCONFORMING STRUCTURES

Legally nonconforming structures that could no longer be constructed under this Ordinance may continue and may be altered and maintained, even though they do not conform with the dimensional or other standards of this Ordinance, subject to the standards outlined below.

- (A) REPLACEMENT. A legally nonconforming structure that has been destroyed, damaged, or removed by any means....
- (B) MODIFICATION OR ALTERATION. Legally nonconforming structures may be modified or altered in a manner that eliminates, removes, or lessened any or all of the nonconforming characteristics. The nonconforming characteristics shall not be reestablished or increased.
- (C) EXPANSION. Legally nonconforming structures may be expanded if the expansion will meet the required setbacks and other developmental standards of this Ordinance at the time of expansion. Additional height above a nonconforming portion of a structure shall not be permitted.
- (D) RELOCATION. A legally nonconforming structure that is moved or relocated any distance for any reason or reconstructed outside of the footprint of the structure as it existed before relocation shall conform with the standards of the zoning district in which it is located.
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(E) REPAIRS AND MAINTENANCE. Legally nonconforming structures may be repaired and maintained. [MAX VALUE??]

(F) UNSAFE. If a legally nonconforming structure or portion of a legally nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs or maintenance and is declared to be unsafe or unlawful because of its physical condition by the Building Official or other duly-authorized official, it shall not be restored, repaired, or rebuilt except in full compliance with this Ordinance.

24.5 LEGALLY NONCONFORMING USES

Legally nonconforming uses that are no longer allowed under this Ordinance or at a location may continue and may be altered subject to the standards outlined below.

(A) REPLACEMENT. A legally nonconforming use may be changed to or replaced with a permitted use for the zoning district in which it is located. The legally nonconforming use shall not be reestablished.

(B) EXPANSION. A legally nonconforming use shall not be enlarged, expanded, or extend, in whole or in part, to occupy a greater area than what was occupied by that use on the effective date of this Ordinance, except as allowed below.

(1) RESIDENTIAL. Legally nonconforming single-family and two-family residential uses and the structures those uses occupy may be enlarged, expanded, or extended, in whole or in part, to occupy a greater area than was occupied by that use on the effective date of this Ordinance.

(2) STRUCTURE. A legally nonconforming use may be expanded throughout an existing building. The building shall not be expanded beyond the building envelope that existed on the effective date of this Ordinance.

(C) RELOCATION. A legally nonconforming use shall not be relocated or moved, in whole or in part, to any portion of the area not occupied by that use the effective date of this Ordinance, except as allowed below.

(1) RESIDENTIAL USES. Legally nonconforming single-family and two-family residential uses and the structures those uses occupy may be relocated or moved, in whole or in part, to an area not occupied by that use on the effective date of this Ordinance.

(2) STRUCTURE. The relocation or moving of a legally nonconforming use within an existing structure shall not be considered a relocation of the legally nonconforming use.

(D) REPAIRS AND MAINTENANCE. Structures used for a legally nonconforming use may be repaired and maintained. [MAX VALUE??]

(E) REMOVAL. Destruction or removal of a structure in which a legally nonconforming nonresidential use is located shall eliminate that use, and all future use shall conform with this Ordinance. A legally nonconforming residential use may be reestablished within two (2) years of the date of the structure's destruction or removal.

(F) SUBSTITUTION. Following discussion with PC

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- (G) CESSATION OR ABANDONMENT. Legally nonconforming uses that cease for any reason for a period of one hundred eighty (180) days, whether or not there is an intent to continue or reestablish the use shall not be continued or reestablished, unless otherwise allowed below.
- (1) SEASONAL USES. Legally nonconforming seasonal uses shall be considered ceased or abandoned if the use is discontinued for a period of three hundred sixty-five (365) days, whether or not there is an intent to continue or reestablish the use.
- (2) USES IN A STRUCTURE. Legally nonconforming uses in a structure shall be considered ceased or abandoned if the use is discontinued for a period of three hundred sixty-five (365) days, whether or not there is an intent to continue or reestablish the use.
- (3) RESIDENTIAL USES. Legally nonconforming single-family and two-family residential uses shall be considered ceased or abandoned if the use is discontinued for a period of two (2) years, whether or not there is an intent to continue or reestablish the use.
- (H) REVERSION. If a legally nonconforming uses is eliminated, ceases to exist, or is replaced with a permitted or special land use for the zoning district in which it is located, the legally nonconforming use shall terminate and shall not be resumed. All subsequent use shall be consistent with the standards of this Ordinance for the zoning district in which it is located.

24.6 LEGALLY NONCONFORMING SITES

Legally nonconforming sites may be improved and modified without coming into full compliance with all of the applicable standards of this Ordinance, as outlined below.

- (A) PROPORTIONAL. Improvements to legal nonconforming site elements shall be proportional to the scale and cost of the improvements or expansion, unless otherwise noted.
- (B) SAFETY. Site improvements shall address safety-related issues of the site.
- (C) LANDSCAPING. Landscaping shall be improved as outlined in [HERE](#).
- (D) LIGHTING. Lighting shall be improved as outlined in [HERE](#).
- (E) NONCOMPLIANCE. Site improvements shall reduce the amount of noncompliance.
- (F) DRIVEWAYS. Driveways that do not comply with the access standards of this Ordinance shall be eliminated or improved to meet the access standards of this Ordinance to the greatest extent practicable.

24.7 LEGALLY NONCONFORMING SIGNS

LEGALLY NONCONFORMING SIGNS

Legally Nonconforming structures shall be considered nonconforming structures for the purpose of this ordinance.

Nonconformities Article 24.0

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24.8 RIGHT-OF-WAY EXPANSIONS

The existing front-yard setback shall be the minimum front-yard setback when a previously conforming front-yard setback has been reduced and is no longer conforming as a result of a right-of-way expansion or dedication if all of the following conditions are met:

- (A) MET PREVIOUSLY. The building met the required front-yard setback before the expansion of the street right-of-way. This does not apply to buildings that received a variance for a reduced front-yard setback;
- (B) NO REDUCTION. An expansion of the building, horizontally or vertically, shall not reduce the depth of the front-yard setback.
- (C) OTHER STANDARDS. The expansion of the building meets the other developmental standards of this Ordinance; and
- (D) NOT REMOVED. The building and portion of the building that established the front-yard setback has not and shall not be destroyed or removed for any reason.

24.10 COMPLETION

Any structure that has received a valid approval before the effective date of this Ordinance or an amendment to this Ordinance but has not been completed shall be considered as existing and lawful. The design or use of such structure shall need not be modified to comply with this Ordinance or an amendment provided the approval remains in good standing.

End of Article 24.0

Remainder of Page left intentionally blank.

Article 25.0
Land Division

(Place Holder)

ARTICLE 26.0

DEFINITIONS

26.1 INTENT AND PURPOSE

The intent and purpose of this Article is to:

- (A) Provide guidance for interpreting the specific terms, phrases, and rules of construction used in this Ordinance;
- (B) Provide guidance for understanding the construction of language used in this Ordinance; and
- (C) Define specific terms and phrases used in this Ordinance.

26.2 INTERPRETATIONS

For the purposes of this Ordinance, specific terms, phrases, and rules of construction shall be interpreted as described below.

- (A) ILLUSTRATIONS. The written text of this Ordinance shall have precedence over illustrations, unless the context clearly indicates otherwise.
- (B) LANGUAGE. If the meaning of the language in this Ordinance is unclear or there may be multiple meanings in a particular circumstance, the individual or body charged with interpreting or applying this Ordinance shall construe the meaning in a manner consistent with the intent of this Ordinance and other zoning and planning laws.
- (C) MEANING OF WORDS AND PHRASES. Words and phrases defined in this Ordinance shall be construed and understood according to the definition contained in this Ordinance. Technical words and phrases that have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning. Except as described above, all words and phrases shall be construed and understood according to the common preferred use of the language.
- (D) TERMS OF ART. Terms of art defined in state or federal law or case law shall be construed and understood as having the meaning defined by that state or federal law or case law.

26.3 CONSTRUCTION OF LANGUAGE

For the purposes of this Ordinance, the following rules of construction described below shall apply.

- (A) CONJUNCTIONS. The conjunctions below shall be interpreted as follows, unless the context clearly indicates otherwise:
 - (1) AND. “And” indicates that all of the connected items, conditions, provisions, or events shall apply.

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- (2) OR. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- (3) EITHER OR. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combinations.
- (B) ENUMERATED LIST. Enumerated lists define all of the possible elements or items. The phrase "the following items" or "the following" shall mean just those items listed.
- (C) EXEMPLAR LIST. Exemplar lists provide examples of possible elements or items. The phrase "such as" shall mean "such as, but not limited to."
- (D) GENDER. The term "he" includes "she." The term "she" includes "he."
- (E) MAY. The terms "may" or "can" are permissive.
- (F) NUMBERS. As used in phrases "up to (#)," "at least (#)," "a maximum of (#)," etcetera, the number shall be included.
- (G) PARTICULAR AND GENERAL. The particular shall control the general. For terms used in this Ordinance, the use of a general term shall not be taken to be the same as the use of any other specific term.
- (H) SHALL. The terms "shall," "must," and "will" are always mandatory and not discretionary.
- (I) SINGULAR AND PLURAL. The singular includes the plural, and the plural includes the singular, unless the context clearly indicates otherwise.
- (J) SUCCESSOR. Reference to a specific agency, department, law, act, rule, etcetera, in this Ordinance shall include reference to any successor.
- (K) TENSE. Words in the present tense include the future tense, unless the context clearly indicates otherwise.

26.4 DEFINITIONS

The terms and phrases below shall have the following meanings.

- (A) TERMS AND PHRASES STARTING WITH "A." The following words and phrases shall have the meanings defined below.
 - (1) ABANDONMENT. The relinquishment of land or cessation of a use without any intention of transferring the rights to another owner or of resuming the use.
 - (2) ACCESS. A way or means by which one gains physical access to a property, whether by vehicle, on foot, or by other means.
 - (3) ACREAGE PARCEL. A tract or parcel of land that has not been subdivided under the Michigan Subdivision Control Act, and that has not been expressly made a part of a condominium project having a recorded master deed.
 - (4) ACTIVITY. Any use, operation, development or action caused by any person, including constricting, operating, or maintaining any use or development; erecting buildings or other structures; depositing

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or removal of material; dredging or ditching; land balancing, draining, or diverting water; pumping or discharge of surface water; grading, paving, vegetative clearing, or excavation; or mining or drilling operations.

- (5) ADDITION. A physical enlargement or expansion of the building envelope or any construction that increase the size, height, or coverage of an existing building or structure.
- (6) AGRICULTURE. The use of land for commercial agricultural purposes, including, but not limited to: farming, dairying, pasturage, apiculture, aquaculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- (7) ALTERATION. Any change, addition, or modification in construction or type of use; any change in the structural members of a structure, such as walls, partitions, columns, beams, or girders; or any change that may be referred to as altered or reconstructed.
- (8) AMENDMENT. An official change to the text or map of this Ordinance. The following words and phrases associated with amendments shall have the meanings defined below.
- a) CONDITIONAL ZONING MAP AMENDMENT. An official change to the zoning map adopted as part of this Ordinance with conditions placed on that amendment.
- b) ZONING MAP AMENDMENT. An official change to the zoning map adopted as part of this Ordinance. Also known as a zone change or rezoning.
- c) ZONING TEXT AMENDMENT. An official change to the text, figures, or tables of this Ordinance.
- (9) APPROVING AUTHORITY. The agency, board, group, or other legally-designated individual or entity that has been charged and authorized with the review and approval of plans or applications.
- (10) AS-BUILT PLAN. An accurate and precise drawing of post-construction site features and characteristics, including all buildings, structures, infrastructure, boundaries, and natural features.
- (11) ASSISTED LIVING FACILITY. A facility, other than a hospital, that provides adult supervision or assistance with activities of daily living in instances where the individual's condition necessitates that supervision or assistance, or a home for the care of children, the aged, the infirmed, or a place of rest for persons suffering serious bodily disorders, where at least two (2) persons are cared for, as defined and licensed in the Nursing Home and Home for the Aged Licensing Act (PA 139 of 1956). Also known as "nursing home" or "home for the aged."
- (12) AWNING. An architectural projection that provides weather protection, identity, or decoration that is wholly supported by the structure to which it is attached and is comprised of a lightweight, rigid frame over which a covering is attached.
- (B) TERMS AND PHRASE STARTING WITH "B." The following words and phrases shall have the meanings defined below.
- (1) BANK. A financial institution engaged in the business of banking, including a savings bank, savings and loan institution, credit union, or trust company.
- (2) BAR. An establishment or part of an establishment devoted primarily to the selling, serving, or dispensing of alcoholic beverages for on-site consumption.
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- (3) BASEMENT. That portion of a building partly below grade but located so that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.
 - (4) BED AND BREAKFAST. A residential facility that is owner-occupied in which overnight accommodations are provided or offered for compensation, which may include a breakfast meal and individual bathroom facilities.
 - (5) BERM. A mound of earth, graded, shaped, and improved with landscaping in such a fashion to be used for visual or audible screening purposes to provide a transition between uses of differing intensity or from public areas.
 - (6) BLIGHT. The storage of junk motor vehicles outside of a completely-enclosed building; the storage of building materials outside of a completely-enclosed building unless the material is associated with a valid zoning permit or building permit; the storage or accumulation of junk, trash, rubbish, or refuse of any kind; a structure or part of a structure that is no longer habitable as a dwelling or useful for the purpose for which it is intended; a vacant or abandoned building that is not locked and protected from the elements, animals, vandals, or unauthorized persons; a partially constructed structure unless construction is occurring and permits remain valid; or the storage outside of a completely-enclosed building of machinery parts of business or work-related tools or materials.
 - (7) BOTTOM LAND. The land area of an inland lake, stream, or river, that lies below the ordinary high-water mark and that may or not be covered by water. See also “upland” and “ordinary high-water mark.”
 - (8) BREEZEWAY. A covered structure connecting an accessory building with the principal building.
 - (9) BUILD. The term build includes erect and construct.
 - (10) BUILDABLE AREA. The area of a lot, exclusive of required setbacks, on which a building may be constructed or expanded.
 - (11) BUILDABLE ENVELOPE. The three-dimensional volume of a lot defined by the required setbacks and the height limitations in which a building may be constructed or expanded.
 - (12) BUILDING. A structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, that is used for the purpose of housing, sheltering, storing, enclosing persons, animals, or personal property or conducting commercial or institutional activities. The following words, terms, and phrases related to buildings shall have the following meanings:
 - a) ACCESSORY BUILDING. A building that is located on the same lot as a principal building that is clearly incidental and subordinate to the principal building, such as detached garages, detached sheds, or pole barns.
 - b) PRINCIPAL BUILDING. A building or group of buildings, where the context so indicates, in which the main or principal use of the lot is located.
 - (13) BUILDING COVERAGE. The horizontal area of a lot, ~~stated as a percentage,~~ that is covered by the roof surfaces of all structures.
 - (14) BUILDING ENVELOPE. The volume enclosed by the exterior of a building, as defined by the façades and roofs.
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(15) **BUILDING HEIGHT.** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level to the grade.

(16) **BUILDING MATERIALS.** Materials used in constructing any structure, including, but not limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws.

(17) **BUILDING OFFICIAL.** The Village of Ortonville building official, or designee.

(18) **BUILDING PERMIT.** The written permission issued by the Building Official by the Ortonville approving the construction, removal, moving, alteration, expansion, or use of a building or improvements to land in conformity with the provisions of this Ordinance.

(C) **TERMS AND PHRASE STARTING WITH "C."** The following words and phrases shall have the meanings defined below.

(1) **CANOPY.** An overhead protective structure that is constructed in a manner to allow pedestrians or motor vehicles to pass under.

(2) **CARPORT.** A partially-open structure, intended to shelter at least one (1) motor vehicle.

(3) **CAR WASH.** A facility for the commercial washing of motor vehicles using a conveyor, blower, steam cleaning device, or other mechanical devices, including coin, self-service, or attendant-operated drive through, automatic self-serve, track-mounted units, or similar high-volume washing.

(4) **CEMETERY.** Land or a facility used for the perpetual interment of deceased human beings or customary household pets, including mausoleums or columbariums. Also known as a graveyard when located within a church yard.

(5) **CERTIFICATE OF OCCUPANCY.** A certificate issued by the building official, or designee, after final inspection specifying that there has been compliance with applicable ordinances and building permit.

(6) **CERTIFICATE OF ZONING COMPLIANCE.** A certificate issued by the zoning administrator, or designee, after final inspection specifying that the structure or land use complies with and is consistent with the standards of this Ordinance, approved plans, and any conditions of approval.

(7) **CLEAR-VISION ZONE.** The triangular area at the intersection of a driveway and a strette or streets that is to remain clear of visual obstructions.

(8) **COMMERCIAL VEHICLE.** Any motor vehicle, other than a passenger vehicle, and any trailer, semi-trailer, or pole trailer drawn by a motor vehicle, that is designed, used, and maintained for the transportation of persons or property for hire, compensation, profit, or in the furtherance of a commercial purpose.

(9) **CONDOMINIUM.** A system of separate ownership of individual units or multi-unit projects according to the Condominium Act. In addition to the interest acquired in a particular unit, each co-owner is also a tenant in common in the underlying fee and in the spaces and building arts used in common by all co-owners. The following words and phrases associated with condominiums shall have the meanings defined below.

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- a) Common Element, General. Common elements, other than limited common elements, intended for the common use of all co-owners.
- b) Common Element, Limited. Portions of the common elements reserved in the master deed for the exclusive use of less than all the co-owners.
- c) Condominium Act. The Michigan Condominium Act, PA 59 of 1978 (MCL 559.1010 et seq).
- d) Condominium Building.
- e) Condominium Lot. That portion of land in a site condominium project designed as the building envelope and intend to function similar to a lot for purposes of determining yard setbacks and other developmental standards of this Ordinance. A condominium lot shall be the equivalent of a "lot."
- f) Condominium Project. A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act.
- g) Condominium Subdivision or Site Condominium. A division of land on the basis of condominium ownership that is not subject to the provisions of the Subdivision Control Act.
- h) Condominium Unit. That portion of a condominium that is designed and intended for separate ownership and use, as described in the master deed. A condominium unit may consist of either land or space which either encloses or is enclosed by a building structure.
- a) Master Deed. The condominium document recording the condominium project, including all exhibits.

~~(9)~~(10) CONTIGUOUS. Two (2) or more adjoining parcels of property with a common property line. Sharing a common border or lot line or located across a street, alley, or walkway.

~~(10)~~(11) CONSTRUCTION. The erection, alteration, repair, renovation, demolition, or removal of any structure and the excavation, filling, and grading in connection thereto.

~~(11)~~(12) COUNTY. Oakland County, Michigan.

(D) TERMS AND PHRASE STARTING WITH "D." The following words and phrases shall have the meanings defined below.

(1) DAWN. The nearest half hour or hour following sunrise.

(2) DAY. Calendar days, unless specifically stated otherwise.

(3) DAY CARE CENTER. A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents are not immediately available to the child, as defined in the Child Care Organizations Act (PA 116 of 1973). Also known as "Nursery" or "Child Care Center."

(4) DAY CARE HOME. A private home in which the operator resides as part of the household in which minor children or adults requiring care and supervision are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except

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children or adults requiring care related to an adult member of the family by blood, marriage, or adoption.

a) FAMILY DAY CARE HOME. A day care home for at least one (1) but less than seven (7) minor children or adults requiring care.

b) GROUP DAY CARE HOME. A day care home for more than six (6) but not more than twelve (12) minor children or adults requiring care.

(5) DECK. A platform constructed of wood or similar materials, either freestanding or attached to a structure, that is commonly used for outdoor leisure activities.

(6) DEMOLITION. Any act or process, whether natural or human, that destroys or razes a building or structure or portion thereof.

(7) DEVELOPMENT. The physical alteration of land by humans, including such as: subdivision of land; construction or alteration of structures, roads, utilities, or other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; or clearing of natural vegetation cover.

(8) DEVELOPMENT AGREEMENT. A document that sets forth the terms and conditions under which a development shall be constructed, implemented, and maintained.

(9) DISTRICT. An area set apart on the zoning map having a single zoning classification. Also known as “~~zoning~~ Zoning districtDistrict.”

(10) DISTURBED AREA. The extent of the area of land subject to development through clearing of all or a portion of vegetation, grading, or excavation.

(11) DRIVE-IN OR DRIVE-THROUGH. A facility that by design, physical facilities, service, or packing procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in a motor vehicle.

(12) DRIVEWAY. A means of access for vehicles from a street, alley, or other access to a parking or loading area, garage, dwelling, or other structure on area on the lot. The following words, terms, and phrases related to driveways shall have the following meanings:

a) COMMERCIAL DRIVEWAY. A driveway that serves commercial or industrial uses, institutional uses, and multiple-family dwellings.

b) RESIDENTIAL DRIVEWAY. A driveway that serves single-family, two-family, or accessory dwelling units.

c) SHARED DRIVEWAY. A driveway that provides access to more than one (1) lot.

(13) DWELLING. Any building, or portion thereof, that is designed or used exclusively as a residence. In no case shall a motorhome, travel trailer, automobile chassis, tent, portable building, or similar be considered a dwelling. The following words, terms, and phrases related to dwelling shall have the following meanings:

a) ACCESSORY DWELLING. An area associated with a single-family dwelling that provides supplementary housing containing provisions for living, sleeping, and cooking. An accessory

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dwelling unit shall not be considered a separate dwelling unit. Also known as “guest apartment,” “granny flat,” or “in-law apartment.”

- b) DWELLING UNIT. One (1) or more rooms with a bathroom and kitchen facilities designed as a self-contained unit for occupancy for living, cooking, sleeping, and sanitation purposes.
 - c) MULTIPLE-FAMILY DWELLING. A building containing three (3) or more dwelling units designed for residential use for three (3) or more families living independently of each other.
 - d) SINGLE-FAMILY DWELLING. A detached building, or portion thereof, designed exclusively as the residence and sleeping place of one (1) family.
 - e) TWO-FAMILY DWELLING. A building containing two (2) separate dwelling units designed for residential use. This does not include a single-family dwelling with an accessory dwelling unit. Also known as a “duplex.”
- (E) TERMS AND PHRASE STARTING WITH “E.” The following words and phrases shall have the meanings defined below.
- (1) EASEMENT. A right granted for limited use of land for a public, quasi-public, or private purpose and within which the owner of the property shall not restrict the granted use.
 - (2) EASEMENT, ACCESS. An easement that allows a part or parties access or travel across property owned by another party or parties to access to reach another location, property, or place.
 - (3) ELECTRICAL DISTRIBUTION LINES. Electrical power lines that convey electricity from a substation to local neighborhoods and individual structures.
 - (4) ELECTRICAL TRANSMISSION LINES. Electrical power lines, generally mounted on larger towers, that convey electricity from powerplants to substations or between substations.
 - (5) EMPLOYEE. Any person employed or hired, directly or as a contractor, by a firm, business, institution, nonprofit entity, corporation, government, or other entity, whether or not remuneration is paid or received.
 - (6) ERECTED. Built, constructed, reconstructed, moved upon, or any physical activity upon a site required for a structure. Excavation, fill, drainage, and the like shall be considered a part of erection when done in conjunction with or in anticipation of a structure.
 - (7) ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance of public utilities or municipal departments that are necessary for furnishing adequate services by such utilities or municipal departments for the general health, safety, or welfare, and that include underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, buildings, and similar equipment, but not including outdoor storage yards.
 - (8) EXTRACTION OPERATION. The removal, extraction, or mining of sand, gravel, or similar material for off-site use.

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(F) TERMS AND PHRASE STARTING WITH “F.” The following words and phrases shall have the meanings defined below.

(1) FAÇADE. The exterior face or elevation of a building or structure, as viewed from the outside of the building or structure.

(2) FALL ZONE. An area around a tower in which the tower could collapse and fall.

~~(3)~~ FAMILY. A family shall mean the following:

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

a)b) The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, group of students, other individuals whose domestic relationship is of a transitory or seasonal nature, foster care facilities, or groups where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the building director in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six.

~~(3)~~~~(4)~~ FENCE. An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, or decorative landscape element. The following words, terms, and phrases related to fences shall have the following meanings:

a) ATHLETIC FENCE. A fence designed to enclose an athletic field or court.

b) DOG RUN FENCE. A fence designed to enclose an area dedicated for the off-leash exercise of a dog or dogs.

c) ELECTRIC FENCE. A fence designed to allow for an electrical current to flow, giving a shock to any person or animal that touches it.

~~b)d)~~ FENCE HEIGHT. The vertical distance between the lowest adjacent grade and the topmost portion of the adjacent fence.

~~e)e)~~ GARDEN FENCE. A fence designed as a barrier surrounding a garden.

~~(4)~~~~(5)~~ FILLING. The depositing or dumping of any matter or material onto or into the ground, wetland, or waterbody, except for common household gardening and ground care.

~~(5)~~~~(6)~~ FIRE DEPARTMENT. The Brandon Township Fire Department.

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~~(6)~~(7) FIRE HYDRANT. A hydrant for drawing water to fight fires, whether pressurized or a dry hydrant.

~~(7)~~(8) FLAGPOLE. A structure used for the sole purpose of displaying a flag or flags.

~~(9)~~ FLOOD OR FLOODING.

~~(8)~~(10) FLOOR AREA. The horizontal area measured to the exterior façade of exterior walls and to the center line of interior partitions.

~~(9)~~(11) FLOOR AREA, GROSS. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the exterior façade and the center line of interior partitions. Unenclosed and uncovered porches, patios, or court yards shall not be considered as part of the gross floor area except where they are used for commercial purposes.

~~(10)~~(12) FLOOR AREA, USEABLE. The sum of all horizontal areas of all floors of a building or buildings, measured to the interior faces of walls. Gross floor area excludes areas dedicated to the storage or processing of merchandise, stairways, elevator shafts, public hallways, restrooms, janitorial services, or interior parking.

~~(13)~~ FOSTER CARE FACILITY.

~~(11)~~(14) FOUNDATION. The supporting substructure of a building or other structure, such as: basement walls, crawl space walls, slabs, rat walls, sills, posts, or frost walls.

~~(12)~~(15) FRONTAGE. The total continuous length of the line separating a lot from the right-of-way or access easements and frequently identical to the front lot line. In the case of waterfront lots, the term shall also apply to the total contiguous length of the ordinary high-water mark, excluding manmade alterations.

~~(13)~~(16) FUNERAL HOME. A facility used for the preparation of the deceased for burial, display of the deceased, or for rituals associated with burial or cremation.

(G) TERMS AND PHRASE STARTING WITH “G.” The following words and phrases shall have the meanings defined below.

(1) GALLERY. A facility engaged in the sale, loan, or display of art, painting, sculpture, photography, or other works of art. Also known as a “studio.”

(2) GARAGE. An accessory building or portion of a principal building used primarily for the storage of motor vehicles, watercraft, recreational vehicles, similar vehicles, and other property. The following words, terms, and phrases related to garages have the following meanings:

a) COMMUNITY GARAGE. A garage for the storage of noncommercial vehicles, with no public shop or service facilities.

b) PRIVATE GARAGE. A garage for the storage of noncommercial vehicles, with no public shop or service facilities, for the sole use of the owner or occupant of the principal building.

(3) GAZEBO. A roofed structure without walls that offers an open view of the surrounding area.

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- (4) GRADE. The rate of incline or decline in the land's surface or the ground level. The following words and phrases related to grade shall have the following meanings:
- a) AVERAGE GRADE. A reference plane representing the average of the level of the ground adjoining a building along all exterior walls.
 - b) FINISHED GRADE. The final elevation of the ground surface after development.
 - c) NATURAL GRADE. The elevation of the ground surface in its natural state, before man-made alterations.
 - d) ROUGH GRADE. The state at which the grad approximately conforms to an approved plan.
- (5) GREENHOUSE. A structure having a roof or walls of glass or similar transparent material for the protection or propagation of plants.
- (H) TERMS AND PHRASE STARTING WITH "H." The following words and phrases shall have the meanings defined below.
- (1) HABITABLE ROOM. A room capable of being lived in for any time, as defined in Building Code.
 - (2) HAZARDOUS MATERIAL. A substance that, because of its quantity or concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness or may pose hazard to human health or the environment when improperly used, handled, treated, stored, transported, disposed of, or otherwise managed.
 - (3) HEALTH DIVISION. The Oakland County Health Division. Also known as "Health Department."
 - ~~(3)~~(4) HOME FOR THE AGED. A supervised personal-care facility at a single location, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to twenty-one (21) or more unrelated, nontransient, individuals fifty-five (55) years of age or older. It also includes a supervised personal care facility for twenty (20) or fewer individuals fifty-five (55) years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.
 - ~~(4)~~(5) HOME OCCUPATION. An occupation, profession, or other commercial use conducted in a dwelling unit or on residential property that is clearly a secondary, incidental, and subordinate use of the property that does not affect the residential character of the surrounding area.
 - ~~(5)~~(6) HOOP HOUSE. An unheated greenhouse with light, rigid framing and light-weight covering. Also known as a poly tunnel.
 - ~~(6)~~(7) HOSPITAL. A facility where sick or injured persons are given medical care and may be housed overnight, fed, or provided nursing and related services. A facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician. Hospital does not include a mental health hospital licensed or operated by the department of health and human services or a hospital operated by the department of corrections.
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~~(7)~~(8) HOTEL. A building or group of buildings used as individual sleeping or dwelling units designed primarily for transient use. The term shall include motels, auto courts, tourist courts, motor courts, motor hotel, and similar that are designed as integrated units of individual rooms under common ownership. A hotel shall not be considered or construed to be a multiple-unit dwelling.

~~(8)~~(9) HOUSEHOLD PETS. Animals that are customarily kept for personal use or enjoyment within the home, such as domestic dogs, domestic cats, domestic tropical birds, domestic fish, and domestic rodents, but excluding poisonous or constrictive snakes and animals that are considered livestock or wild animals.

(I) TERMS AND PHRASE STARTING WITH “I.” The following words and phrases shall have the meanings defined below.

(1) IMPERVIOUS SURFACE.

(2) IMPERVIOUS AREA. The percentage of the lot area that is covered by impervious surfaces.

(3) IMPROVEMENTS. Features and actions associated with a project that are HERE

(4) INCIDENTAL. Subordinance and minor in significance and bearing a reasonable relationship to the principal use.

(5) INDOOR RECREATION.

(J) TERMS AND PHRASE STARTING WITH “J.” The following words and phrases shall have the meanings defined below.

(1) JUNK. Garbage and rubbish, as well as motor vehicles, machinery, appliances, product merchandise with material parts missing, ~~or~~ scrap metals, or other scrap materials that are damaged, deteriorated, or in a condition that renders them incapable of performing the function for which they were intended whether or not it could be put to any reasonable use.

(K) TERMS AND PHRASE STARTING WITH “K.” The following words and phrases shall have the meanings defined below.

(1) KEEPING OF ANIMALS. The keeping of any animal, other than a household pet in captivity, either indoors or outdoors.

(2) KENNEL. HERE

(L) TERMS AND PHRASE STARTING WITH “L.” The following words and phrases shall have the meanings defined below.

(1) LAKE. A permanent surface waterbody that is at least five (5) acres in size, as defined by the ordinary high-water mark.

(2) LICENSED ARCHITECT. An architect licensed by the State of Michigan, as provide in Article 20 of the Michigan Occupational Code, PA 299 of 1980 (MCL 339.2001 et seq)

(3) LIGHTING.

a) COLOR TEMPERATURE.

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- b) CUT-OFF ANGLE.
- c) FOOT CANDLE.
- d) GLARE.
- e) LIGHT FIXTURE.
- f) LIGHT SHIELD.
- g) STREET LIGHTING.

(4) LOT. The term lot includes plot, tract, or parcel.

(5) LOT AREA. The total horizontal area within the lot lines of a lot, excluding any street right-of-way, road easement, shared driveway easement, or other permanent access easement.

(6) LOT, CONTIGUOUS. Lots that adjoin each other.

(5)(7) LOT DEPTH. The average distance from the front-lot line to its opposite rear lot-line or the opposite front-lot line for through lots, in the general direction of the site lot lines.

(6)(8) LOT OF RECORD. HERE.

(7)(9) LOT WIDTH. The horizontal distance of a straight line measured between the two points where the road right-of-way intersects with the side lot lines.

(8)(10) LOT COVERAGE.

(M) TERMS AND PHRASE STARTING WITH "M." The following words and phrases shall have the meanings defined below.

(1) MANUFACTURING, GENERAL.

(2) MANUFACTURING, HEAVY.

(3) MARQUEE. A roof-like structure of a permanent nature that projects from the wall of a building.

(4) MASTER PLAN. The Village of Ortonville Master Plan.

(5) MEZZANINE. An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one third (1/3) of the floor air of the main floor.

(6) MOBILE HOME. A manufactured structure that is designed to be transportable in one (1) or more sections for use as a single-family dwelling. A motor home, recreational vehicle, or travel trailer shall not constitute a mobile home.

(7) MOBILE HOME PARK. A parcel of land that has been planned and improved for the placement of mobile homes for residential use, as provide in the Mobile Home Commission Act (PA 96 of 1987).

(8) MOTOR VEHICLE. Unless specifically indicated otherwise, any vehicle such as cars, trucks, vans, sports utility vehicles, motorcycles, mopeds, and similar that are intended to move under their own power. See also the Michigan Vehicle Code, PA 300 of 1949 (MCL 257.33).

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- (9) MOTOR VEHICLE SERVICE STATION. A facility for the primary purpose of the retail sale of gasoline and other fluids and accessories for motor vehicles and other accessory retail sales. Also known as gas station.
- (10) MOTOR VEHICLE REPAIR OR MAINTENANCE. A facility for the primary purpose of the retail sale of oil, grease, batteries, tires, or other operation fluids and accessories for motor vehicles; the installation of such items; and for other mechanical motor vehicle repair; excluding body work or painting, dismantling of vehicles for reuse or resale of parts, or storage of vehicles other than those in for immediate repair or maintenance.
- (11) MOTOR VEHICLE SALES. A facility used primarily for the sale of new or used motor vehicles, including the outdoor storage of vehicles for sale.
- (12) MUNICIPAL CIVIL INFRACTION. An act or omission that is prohibited by ordinance but that is not a criminal offence and for which civil sanctions exist, including, without limitation: fines, damages, expenses, and costs may be ordered, as authorized by Chapter 87 of the Revised Judicature Act, PA 236 of 1961 (MCL 600.8701 et seq).
- (N) TERMS AND PHRASE STARTING WITH "N." The following words and phrases shall have the meanings defined below.
- (1) NONCONFORMITY, ILLEGAL. A structure, use lot, site, or portion thereof that did not meet the standards of the zoning ordinance in effect at the time it was created or begun and that does not meet the standards of the current Ordinance.
- (2) NONCONFORMITY, LEGAL. A structure, use, lot, site, or portion thereof, lawfully existing at the time of adoption of a zoning ordinance or subsequent amendment that does not meet the standards of the current Ordinance.
- (3) NURSING HOME. A facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include any of the following: a unit in a State correctional facility; a hospital; a veterans facility created under PA 152 of 1885 (MCL 36.1 to 36.12); or a hospice.
- (4) NUISANCE. An act, use, thing, structure, or activity that annoys, disturbs, gives offense, interferes with the use and enjoyment of property, endangers personal health or safety, or offends the senses because of its condition, time, location, circumstance, or surroundings.
- (5) NUISANCE PER SE. An act, use, thing, structure, or activity that when it exists is in violation of a provision of this Ordinance which is a nuisance at all times and in all conditions, regardless of location, circumstance, or surroundings.
- (O) TERMS AND PHRASE STARTING WITH "O." The following words and phrases shall have the meanings defined below.
- (1) OCCUPANCY, CHANGE OF. The discontinuance of an existing use and the substitution of a different or similar kind or class of use, the expansion of a use, or establishment of a new use.
- (2) OCCUPIED. Used in any manner at the time in question.
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(3) **OPEN-AIR BUSINESS.** A business or portion of a business that includes the display or sale for goods, products, or objects outside of a building, such as motor vehicles, trailers, swimming pools, snowmobiles, and watercraft sales; rental equipment and service; flea markets, lawn furniture, playground equipment, and other home garden supplies an equipment; cemetery monuments; and similar uses.

(4) **OFFICE. HERE**

(5) **ORDINANCE.** The term “this Ordinance” shall mean the text of this Ordinance, as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.

(6) **ORDINARY HIGH-WATER MARK.** The line between upland and bottomland that persists through successive changes in water levels below which the presence and action of water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. See also upland and bottomland.

(7) **OUTDOOR STORAGE.** The storage of any material for a period of more than twenty-four (24) hours outside of an enclosed building.

(8) **OVERHANG.** That portion of the roof that extends beyond the exterior wall or covered porch, deck, or patio.

(9) **OWNER.** The fee title holder and all persons having legal or equitable ownership rights or possessory rights in a property and all combinations of such persons.

(P) **TERMS AND PHRASE STARTING WITH “P.”** The following words and phrases shall have the meanings defined below.

(1) **PARK.** An area used for outdoor recreational uses, such as playgrounds, sports fields, game courts, beaches, trails, picnicking areas, and leisure-time activities.

(2) **PARKING. INTRODUCTION.** The following words and phrases associated with parking shall have the meanings defined below.

a) **BARRIER-FREE PARKING SPACE.** A parking space that is larger than a typical parking space and designed to provide parking for handicapped-accessible vehicles, including the loading area.

b) **DEFERRED PARKING.** Required parking that is not installed immediately but for which space has been reserved for future installation.

c) **LOADING SPACE.** A temporary parking space that is used for the loading or unloading of goods, supplies, merchandise, materials, or passengers.

d) **MANEUVERING LANE.** The areas within a parking lot that provide circulation and access to parking spaces.

e) **ON-STREET PARKING.** Parking that is located within a street right-of-way, generally accessed from the street.

f) **OFF-STREET PARKING.** Parking that is not located within a street right-of-way.

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- g) PARKING SPACE. An area of land provided for vehicles, exclusive or driveways, maneuvering lanes, or entrances giving access thereto, that is fully accessible for the parking of vehicles.
- h) QUEUING SPACE. A temporary waiting space for motor vehicles obtaining a service or other activity at a drive-through. Also known as stacking space.
- i) SHARED PARKING. A parking area jointly used by more than one (1) uses or sites.
- (3) PATIO. An outdoor courtyard or platform extending horizontally out from a building or located within a yard, typically constructed of concrete, asphalt, bricks, or pavers.
- (4) PERFORMANCE GUARANTEE. A security in the form of cash deposit, certified check, irrevocable bank letter of credit, or similar instrument deemed acceptable to ensure that all improvements will be satisfactorily completed and adhered to according to an approved plan.
- (5) PERSON. Any natural person, firm, partnership, corporation, association, trust, or other entity to which the law attributes rights and liabilities.
- (6) PERSONAL SERVICES. HERE
- (7) PERVIOUS SURFACE. A SURFACE THAT PERMITS FULL OR PARTIAL ABSORPTION OF STORMWATER. Also known as permeable surface. See also impervious surface.
- (8) PLACE OF ASSEMBLY. A facility for public assembling, such as arenas, auditoriums, conference facilities, banquet facilities, convention centers, exhibition halls, and theaters and performing art centers.
- (9) PLACE OF WORSHIP. A facility used for regular organized religious worship and related activities, such as living quarter for members of the religious order to carry out duties primarily on the site, religious education classes, and limited recreation facilities. Also known as “church,” “temple,” or “mosque.”
- (10) PLANNING COMMISSION. The Village of Ortonville Planning Commission.
- (11) PLOT PLAN. A plan, drawn to scale, showing the actual measurements, the size and location of existing and proposed structures, the dimensions of the lot, and other relevant information. Also known as sketch plan.
- (12) POND. A natural or artificial surface waterbody that is less than five (5) acres in size.
- (13) PORCH. A structure providing a landing at the entrance of a building, which may include a roof.
- (14) PRACTICAL DIFFICULTY. Special or unique conditions that are peculiar to a lot that cause compliance with the standards of this ordinance to deprive the property owner of substantial rights similar to those enjoyed by other properties in the same zoning district. Economic, personal, or financial hardship alone does not constitute a practical difficult. Additionally, inconvenience, aesthetic considerations, personal preferences, or neighbor’s opinions are not considered a practical difficulty.
- (15) PROFESSIONAL ENGINEER. An engineer registered and qualified to practice in the State of Michigan, as provided in Article 20 of the Michigan Occupational Code, PA 299 of 1980 (MCL 339.2001 et seq).

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- (16) **PROPERTY LINES.** The boundary line between two (2) properties or a property and a right-of-way. Property lines are not necessarily the same as lot lines. See also lot lines.
- (17) **PUBLIC FACILITY.** A facility or land that is operated or maintained by a governmental or similar public unit, agency, commission, board, or similar arm or branch of government or public unit for the provision of public services that are necessary for a community, such as liquid or solid waste disposal sites, ponding basins, parks, civic centers, schools, airports, or cemeteries.
- (18) **PUBLIC RECREATION.** An open area designed for the active or passive use of the general public and that may or may not contain playground or exercise facilities or equipment. Parks or recreation facilities may be privately owned, provided they are not operated as a for-profit enterprise.
- (19) **PUBLIC UTILITY.** Any person, firm, corporation, municipal department, board, or commission duly-authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.
- (Q) **TERMS AND PHRASE STARTING WITH “Q.”** The following words and phrases shall have the meanings defined below.
- (1) **QUORUM.** The majority of the fully authorized membership of a board, commission, council, committee, or agency.
- (R) **TERMS AND PHRASE STARTING WITH “R.”** The following words and phrases shall have the meanings defined below.
- (1) **RECOGNIZABLE AND SUBSTANTIAL BENEFIT.** A clear benefit...???
- (2) **RECREATIONAL FACILITY.** A public, commercial, or institutional facility used by or available for use by the general public for outdoor recreational activities, such as miniature golf, swimming pools, athletic fields, or athletic courts.
- (3) **RECREATION LAND.** Publicly or privately owned land used principally for recreational activity, such as swimming, picnicking, hiking, nature study, hunting, boating, or fishing.
- (4) **REGISTER OF DEEDS.** The Oakland County Register of Deeds.
- (5) **REPAIR.** The reconstruction or renewal of any part of an existing structure for the purpose of maintenance.
- (6) **RESIDENCE, PRINCIPAL.** The primary location of an individual’s residence.
- (7) **RESIDENT.** An individual whose principal residence is at that location, not a visitor, guest, or transient.
- (8) **RESOLUTION.** The recorded expression of will of a public body on policy or position on a subject that is not ordinarily a legislative act.
- (9) **RESTAURANT.** An establishment whose principal purpose is the sale of food or beverages to customers in a ready-to-consume state for on-site or off-site consumption. The following words and phrases associated with restaurants shall have the meanings defined below.
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- a) BREWPUB. A facility licensed under the Michigan Liquor Control Commission for the manufacture of no more than eighteen thousand (18,000) barrels of beer per year, all brands and labels combined, which may include retail sales, a tasting room, and restaurant.
 - b) CARRY-OUT RESTAURANT. A restaurant in which all or a substantial portion of business consists of serving foods and beverages for off-site consumption. A drive-through restaurant may or may not also have indoor seating.
 - c) DRIVE-IN RESTAURANT. A restaurant in which all or a substantial portion of business consists of serving foods and beverages for consumption in motor vehicles parked on the premises or patrons elsewhere on the site outside the principal building. A drive-through restaurant may or may not also have indoor seating.
 - d) DRIVE-THROUGH RESTAURANT. A restaurant in which all or a substantial portion of business consists of serving food and beverages from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.
 - e) FAST FOOD RESTAURANT. A restaurant whose method of operation involves minimum waiting for deliver of food and beverages at a counter or cafeteria line for consumption at the counter where it is served, at tables, at boots, or stands inside or outside of the building, or for off-site consumption, but not in a motor vehicle on the premises.
 - f) MICROBREWERY. A facility licensed by the Michigan Liquor Control Commission for the manufacture of no more than sixty thousand (60,000) barrels of beer per year, all brands and labels combined, which may include retail sales and a tasting room.
 - g) MOBILE FOOD VENDING.
 - g)h) OPEN AIR RESTAURANT. A restaurant or portion of a restaurant where food and beverages are consumed on-site outside of an enclosed building.
 - ~~h) OUTDOOR DINING. A restaurant or portion of a restaurant that is located outside of an enclosed building.~~
 - i) SMALL DISTILLERY. A facility licensed by the Michigan Liquor Control Commission for the manufacture of less than sixty thousand (60,000) gallons of spirits, all brands and labels combined, which may include retail sales and tasting room.
- (10) RESTORATION. The reconstruction or replication of an existing structure's original architectural features.
- (11) RETAIL SALES. The selling of merchandise directly to the ultimate consumer.
- (12) RETAIL SALES, INDOOR. HERE.
- (13) RETAIL SALES, LIMITED OUTDOOR. HERE
- (14) RETAIL SALES, UNLIMITED OUTDOOR. HERE
- (15) RETAINING WALL. A wall or similar structure more than twenty-four (24) inches high designed to change grade, stabilize soil, reduce erosion, or terrace land.
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(S) TERMS AND PHRASE STARTING WITH “S.” The following words and phrases shall have the meanings defined below.

(1) SANITARY FACILITY, TEMPORARY. A portable, watertight, chemical vault used by the public for special events or an ongoing basis by worksite at a construction site. Also known as a porta-pot, porta-john, or honey bucket.

(2) SATELLITE DISH. A parabolic, dome-shaped, or similarly shaped structure that is greater than thirty-six (36) inches in diameter that is used or intended to be used for reception of satellite transmission signals.

(3) SCHOOL. An educational facility, whether public or private, that provides education in pre-elementary, elementary, secondary, or post-secondary curriculums; special arts, such as crafts, dance, music, or self-defense; occupation trades, or similar areas of education. This does not apply to home occupations or home schooling.

(4) SCREEN. A structure or year-round vegetation providing for the enclosure or separation maintained between the separated area and adjacent property or rights-of-way.

(5) SELF-STORAGE FACILITY.

(6) SEPTIC SYSTEM. A tank plus leaching filed or trenches in which sewage is purified by bacterial action.

(7) SETBACK. The minimum required distance, measured horizontally, between a structure, improvement, or use and lot lines, other structures, natural features or uses. The following words and phrases related to setbacks shall have the meanings defined below.

a) BUILDING-TO-BUILDING SETBACK.

b) FRONT-YARD SETBACK.

c) REAR-YARD SETBACK.

d) SIDE-YARD SETBACK.

~~d)e)~~ WATERBODY SETBACK.

~~e)f)~~ NATURAL FEATURE SETBACK.

(8) SEWAGE TREATMENT FACILITY. A facility designed and used for the collection, removal, treatment and disposal of waterborne sewage.

(9) SEXUALLY-ORIENTED BUSINESS. A business, club, or organization that ~~displaced~~ displays specified anatomical areas or engages in specified sexual activities. The following words and phrases related to sexually-oriented businesses shall have the following meanings.

a) ADULT BOOKSTORE OR VIDEO STORE.

b) ADULT CABARET.

c) ADULT THEATER.

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- d) SPECIFIC ANATOMICAL AREAS.
- e) SPECIFIC SEXUAL ACTIVITIES.
- f) SWINGERS CLUB.

(10) SHOOTING RANGE. A commercial facility or club that is principally designed and used for the use of firearms or bow and arrows that are aimed at targets, skeets, or trap.

(11) SIGN. Any visual devise, identification, description, symbol, illustration, or structure that is intended to visually attract attention from off site or from a public or private right-of-way to identify or direct attention to a person, place, product, service, activity, institution, organization, business, opinion, or message. The term shall not include official flags, official signs, the minimum signs required for compliance with MCL 324.73102, and public notice signs required by this Ordinance. The following words and phrase related to signs shall have the following meanings:

- a) AWNING SIGN.
- b) BACK-TO-BACK SIGN.
- c) BALLOON.
- d) BANNER.
- e) BILLBOARD.
- f) CANOPY SIGN.
- g) CHANGEABLE COPY.
- h) COMMEMORATIVE SIGN.
- i) ELECTRONIC MESSAGE SIGN.
- j) FEATHER SIGN.
- k) FREESTANDING SIGN.
- l) GROUND SIGN.
- m) HANGING SIGN.
- n) INFLATABLE SIGN.
- o) MOVING SIGN.
- p) MURAL.
- q) OFFICIAL FLAG.
- r) OFF-SITE SIGN.
- s) ON-SITE SIGN.
- t) PERMANENT SIGN.

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- u) PROJECTING OR PERPENDICULAR SIGN.
- v) PROHIBITED SIGN.
- w) SANDWICH BOARD.
- x) SIGN AREA.
- y) SIGN HEIGHT.
- z) SIGN PERMIT.
- aa) SIGN SETBACK.
- bb) TOURIST-ORIENTED DIRECTIONAL SIGN.
- cc) TEMPORARY SIGN.
- dd) WALL SIGN.
- ee) WINDOW SIGN.

(12)SITE. A continuous area of land, including a lot, lots, parcel, parcels, or combination thereof, under single ownership and control, devoted or intended for a use or occupied by a structure or group of structures.

(13)SITE CONDOMINIUM.

(14)SITE PLAN. HERE

(15)SLAUGHTERHOUSE, CUSTOM. A commercial facility for the butchering or processing of animals on a customer-by-customer basis.

(16)SMOKE. Gasses and ~~airborne~~ airborn particles in sufficient density to be visibly observable.

(17)SOLAR ENERGY SYSTEM. A system that converts light energy into electrical energy. The following words and phrases related to solar energy systems shall have the following meanings:

- a) ACCESSORY SOLAR ENERGY SYSTEM.
- b) ATTACHED SOLAR ENERGY SYSTEM.
- c) COMMERCIAL OR SOLAR ENERGY SYSTEM.
- d) COMMUNITY SOLAR ENERGY SYSTEM.
- e) DETACHED SOLAR ENERGY SYSTEM.

(18)SPECIAL ASSESSMENT DISTRICT.

(19)SPECIAL EVENT. An event of limited duration, such as carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, and similar events. Also includes large events and seasonal events.

(20)STATE-LICENSED RESIDENTIAL FACILITY. HERE

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(21) STOP-WORK ORDER. An administrative order directing a person not to continue or not to allow the continuation of an activity that is in violation of this Ordinance.

(22) STORMWATER MANAGEMENT.

(23) STORY. HERE

(24) STORY, HALF. HERE

(25) STREET. A state highway, county road, dedicated public thoroughfare, or approved private road that provides the principal means of access to abutting properties. The following words and phrases related to streets shall have the meanings defined below.

a) ALLEY. A public thoroughfare or way not more than thirty (30) feet wide that affords only a secondary means of access to abutting property.

b) CENTERLINE.

c) CUL-DE-SAC.

d) PRIVATE STREET.

e) PUBLIC STREET.

f) TRAFFIC CIRCLE.

(26) STRUCTURE. Anything constructed or erected, excluding streets, the use of which requires permanent location on the ground or attachment to something having such location on the ground, such as all buildings, porches, decks, patios, sidewalks, fences, swimming pools, driveways, terraces, satellite dishes, and freestanding signs; excepting anything lawfully in a right-of-way, such as utility poles, sewage pumping stations, utility manholes, fire hydrants, electrical transformers, telephone boxes, and related public facilities defined as essential public services.

(27) SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition, or improvement of an existing structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started.

(28) SUBSTATION, ELECTRICAL OR GAS. A facility for the local distribution of electricity or gas, usually with a reduction of power or pressure.

(29) SURVEYOR. Either a land surveyor registered in the State of Michigan as a land surveyor or a civil engineer who is registered in the State of Michigan as a professional engineer, as provided in Article 20 of the Michigan Occupational Code, PA 299 of 1980 (MCL 339.2001 et seq).

(30) SWIMMING POOL. A structure or container located either above or below grade designed to hold water to a depth of at least thirty (30) inches and with an area of at least two hundred fifty (250) square feet, intended for swimming or bathing.

(T) TERMS AND PHRASE STARTING WITH "T." The following words and phrases shall have the meanings defined below.

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- (1) TRAIL. An improved or unimproved path designed for use by pedestrians, cyclists, equestrians, other non-motorized transportation, and in some instances, motorized transportation, excluding motor vehicles. Also known as safety path.

(2) TREE DEFINITIONS.

- a) CALIPER.
- b) CRITICAL ROOT ZONE.
- c) DRIPLINE.
- d) DIAMETER AT BREAST HEIGHT.
- e) LANDMARK TREE.
- f) MATURE TREE.
- g) NATIVE TREE.
- h) STREET TREE.

- (U) TERMS AND PHRASE STARTING WITH “U.” The following words and phrases shall have the meanings defined below.

- (1) UNDERGROUND STORAGE TANK. A tank located underground, including subterranean pipes, but excluding septic tanks, that is used to contain regulated substances or hazardous materials.

- (2) UPLAND. Land that does not contain soils associated with a wetland, march, or floodplain and is not wet for more than thirty (30) days during any given year. See also bottom lands and ordinary high-water mark.

- (3) USE. The purpose or activity for which a piece of land or its structures is designed, arranged, or intend, of for which it is occupied and maintained. The following words and phrases associated with uses shall have the meanings defined below.

- a) ACCESSORY USE. A use customarily incidental and subordinate to and located on the same lot as the principal use.

- b) COMPARABLE ~~OR~~ SIMILAR USE. A use that is not specifically listed as a permitted use, accessory use, special land use, or temporary use that is similar to a listed use and whose nature is likely to have a similar character and impact.

- c) INTENSIFICATION OF USE. The alteration of the character of a use to the extent that the use generates new or different impacts on the health, safety, or welfare of the surrounding neighborhood, such as volume of traffic, noise, light, smoke, odor, vibration, outdoor storage, required parking, days or hours of operation, or other similar conditions associated with the use.

- d) ILLEGAL USE. A use that is not a permitted use, special land use, temporary use, comparable or similar use, or legally-nonconforming use or any of those uses that is conducted in a manner inconsistent with this Ordinance.

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- e) LEGALLY-NONCONFORMING USE. A use lawfully existing at the time of adoption of this Ordinance or an amendment to this Ordinance that is no longer a permitted use.
 - f) NONCONFORMING USE. A use that was not legal at the time of adoption of this Ordinance or an amendment to this Ordinance and is not a permitted use in this Ordinance.
 - g) PERMITTED USE. A use that is permitted within a particular zoning district, excluding special land uses.
 - h) PRINCIPAL OR PRIMARY USE. The main or primary use of the land or building.
 - i) PROHIBITED USE. A use that is not permitted within a particular zoning district.
 - j) REASONABLE USE. A use of property for a suitable and beneficial purpose that does not lead to unreasonable interference with another's property or public health, safety, and welfare. Reasonable use shall not be construed as highest and best use.
 - k) SPECIAL LAND USE. A use that has been generally accepted as reasonably compatible with the permitted uses within a zoning district but which could present unique impacts or potential injurious effects on the permitted uses within the zoning district and, therefore, require special consideration in relation to the welfare of adjacent properties and to the community as a whole.
 - l) TEMPORARY USE. A use that is of limited duration.
- (4) USED OR OCCUPIED. The term used or occupied shall be construed to include the words: intended, arranged, maintained for or designed to be used, or occupied.
- (5) UTILITY BOX. Electrical transformers, switch boxes, telephone pedestals and boxes, television pedestals and boxes, traffic boxes, and similar devices.
- (6) UTILITY POLE. A pole used to support essential services, such as electricity, telephone, cable, or similar telecommunications or used to support streetlights, typically located within rights-of-way.
- (7) UTILITY ROOM. A room in a building, not located in the basement, that is primarily used for storage, housing of a heating unit, or for laundry purposes.
- (V) TERMS AND PHRASE STARTING WITH "V." The following words and phrases shall have the meanings defined below.
- (1) VARIANCE. A modification of the literal standards of this Ordinance, granted by the Zoning Board of Appeals. The following words and phrases associated with variances shall have the meanings defined below.
 - a) DEVELOPMENTAL-STANDARD VARIANCE. Permission to depart from the strict application of a developmental standard of this Ordinance. Also known as a non-use or dimensional variance.
 - b) PRACTICAL DIFFICULTY. Special or unique conditions that are peculiar to a lot that cause compliance with the standards of this Ordinance to deprive the property owner of substantial rights similar to those enjoyed by other lots in the same zoning district. Economic, personal, or financial hardship alone does not constitute a practical difficulty. Additionally, inconvenience,
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aesthetic considerations, personal preferences, or neighbor's opinions are not considered a practical difficulty.

~~b)c~~ UNNECESSARY HARDSHIP.

~~e)d~~ USE VARIANCE. Permission to conduct a use within a zoning district that is not permitted in that zoning district as a principal use, special land use, or accessory use in this Ordinance.

(2) VEHICLE SALES.

(3) VEHICLE SERVICE, MINOR.

(4) VEHICLE SERVICE, MAJOR. A facility used for the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment; paint and body work; major overhaul of engine or engine parts; and government vehicle maintenance facilities. This includes motor vehicle related uses not otherwise allowed within the minor vehicle service category.

(5) VETERINARY OFFICE. A facility for the care, diagnosis, and treatment of sick or injured animals, including customary pens or cages within the building.

(6) VICINITY MAP. A map, not necessarily to scale, showing the general location of a site in relation to abutting properties, streets, and other landmarks.

(7) VILLAGE. The Village of Ortonville, Oakland County, Michigan.

(8) VILLAGE COUNCIL. The Village of Ortonville Village Council.

(9) VILLAGE ENGINEER. The staff engineer or consulting engineer for the Village of Ortonville

(10) VIOLATION. The failure of a structure, development, use, lot, site, or person to be fully compliant with this Ordinance.

(W) TERMS AND PHRASE STARTING WITH "W." The following words and phrases shall have the meanings defined below.

(1) WALL. A solid, durable structure made of masonry, stone, concrete, or similar material that encloses or divides an area.

(2) WASTE RECEPTACLE. Any accessory exterior container used for the temporary storage of rubbish, pending collection, having a capacity of at least one (1) cubic yard. Recycling stations and exterior compactors shall also be considered waste receptacles. Also known as dumpster or grease bin.

(3) WAREHOUSING. A facility primarily for the selling of durable and nondurable goods to retailers; industrial, commercial, institutional, agricultural, building trade contractors, or professional business uses; or to other wholesalers; or for the storage of business or personal property.

(4) WATERBODY. Any area that normally has water flowing or standing above ground to the extent that evidence of an ordinary high-water mark is established. Lakes, ponds, rivers, streams, and other watercourses, whether natural or artificial, and waters characterized by the definition shall be considered as surface waterbodies.

(5) WATERCRAFT. A contrivance used or designed for navigation on water, including a vessel, boat, motor vessel, steam vessel, vessel operated by machinery either permanently or temporarily affixed,

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scow, tugboat, personal watercraft, or any marine equipment that is capable of carrying passengers, except a ferry.

(6) WETLAND. A land or water feature that is inundated by water at a frequency and duration sufficient to support, and that under normal circumstances does support, hydric soils and a predominance of wetland vegetation or aquatic life. The following words and phrases associated with wetlands shall have the meanings defined below.

- a) INTERMEDIATE WETLAND.
- b) FORMER WETLAND.
- c) NONSTATE-REGULATED WETLAND.
- d) STATE-REGULATED WETLAND.

(7) WILD ANIMAL. Any animal, other than a customary household pet or livestock, that lives in a state of nature, untamed and undomesticated or that, because of temperament, condition, or training, has a known propensity to attack, bit, or injure human beings or domesticated animals.

(8) WINERY. ??

(9) WIND ENERGY CONVERSION SYSTEM. A device that converts wind energy into electrical energy. Also known as WECS. The following words and phrases associated with wind energy conversion systems shall have the meanings defined below.

- a) AMBIENT SOUND LEVEL.
- b) COMMUNITY WECS.
- c) EXPERIMENTAL WECS.
- d) LARGE WECS.
- e) MEDIUM WECS.
- f) SMALL WECS.
- g) MICRO WECS.
- h) TOTAL SYSTEM HEIGHT.
- i) SWEPT AREA

(10) WIRELESS COMMUNICATION FACILITY. All structures, accessory facilities, transmitters, receivers, and antennas relating to the use of radio and microwave frequency electromagnetic radiation for commercial transmitting and receiving information. The following words and phrases related to wireless communication facilities shall have the meanings defined below.

- a) ATTACHED WIRELESS COMMUNICATION FACILITY. Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like.

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- b) **CELL ON WHEELS.** A portable, self-contained wireless communication facility that provides wireless communication service on a temporary or emergency basis. Also known as COW or warrior on wheels.
- c) **COLOCATION.** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building. This definition has the same meaning as collocation, as used in MCL 125.3131 et seq.
- d) **COMMUNICATION TOWER OR SUPPORT STRUCTURE.** Any structure that is designed to support, or is capable of supporting, one (1) or more antenna for wireless communication purposes, such as radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, water towers, utility poles, electrical transmission line towers, buildings, and alternative tower structures.
- e) **EQUIPMENT COMPOUND.** An area surrounding or adjacent to the base of a wireless communication tower and within which wireless communications equipment is located.
- f) **WIRELESS COMMUNICATIONS EQUIPMENT.** The set of equipment and network components used in the provision of wireless communication services, such as antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding support structures.

(X) **TERMS AND PHRASE STARTING WITH “X.”** The following words and phrases shall have the meanings defined below.

[Reserved for future use.]

(Y) **TERMS AND PHRASE STARTING WITH “Y.”** The following words and phrases shall have the meanings defined below.

(1) **YARD.** An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building, unoccupied and unobstructed from the ground upward by building or structure, except as otherwise permitted in this Ordinance. The following words and phrases associated with yards shall have the following meanings.

- a) **FRONT YARD.** The open space between the front lot line and the nearest point of the principal building, extending the full width of the lot.
- b) **NONREQUIRED YARD.** The open space between the required setback and the principal building. It corresponds to the additional open space between the required yard and the principal building.
- c) **REAR YARD.** The open space between the rear lot line and the nearest point of the principal building, extending the full width of the lot.
- d) **REQUIRED YARD.** The open space between the lot line and the required setback. The required yard corresponds to the required setbacks for the district.
- e) **SIDE YARD.** The open space between the side lot line and the nearest point of the principal building, extending from the front yard to the rear yard.

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- f) **WATERBODY YARD.** The open space between the shore line and the nearest point of the principal building.
- (Z) **TERMS AND PHRASE STARTING WITH “Z.”** The following words and phrases shall have the meanings defined below.
 - (1) **ZONING ACT OR ZONING ENABLING ACT.** The Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 et seq).
 - (2) **ZONING ADMINISTRATOR.** The person authorized to oversee the administration and enforcement of this Ordinance.
 - (3) **ZONING BOARD OF APPEALS.** The Village of Ortonville Zoning Board of Appeals.
 - (4) **ZONING MAP.** The map adopted as part of this Ordinance defining the boundaries of zoning districts. Also known as official map.
 - (5) **ZONING PERMIT.** A permit issued by the zoning administrator or designee signifying compliance with the provisions of this Ordinance, which may include and set forth conditions that must be met. Fence permits, sign permits, etcetera, are all considered zoning permits.

Article 27.0
History of Ordinance

(Place Holder)