VILLAGE
of
VANDALIA

ZONING ORDINANCE

Ordinance No. 2016-1

Adopted July 11, 2016

The Village of Vandalia
Cass County, Michigan

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The Village of Vandalia
County of Cass, State of Michigan

ORDINANCE NO. 2016-1
ZONING ORDINANCE

An Ordinance enacted by the Village of Vandalia under Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.

THE VILLAGE OF VANDALIA BOARD ORDAINS:

Article 1
TITLE and PURPOSE

Section 1.1 Title

This Ordinance shall be known and cited as the Village of Vandalia Zoning Ordinance.

Section 1.2 Purpose

A. It is the purpose of this Zoning Ordinance to:

1. Regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability.
2. Ensure that the use of land is situated in appropriate locations and relationships.
3. Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.
4. Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
5. Promote public health, safety, and welfare including the conservation of property values and natural resources including wooded areas, wetlands, and water resources.
6. Implement the goals, objectives and policies of the Village of Vandalia Master Plan adopted pursuant to the Planning Enabling Act, Public Act 33 of 2008, as amended.
7. Advance all other purposes as authorized by the Michigan Zoning Enabling Act.

End of Article 1

Article 2
GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 2.1 Purpose

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a zoning permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a zoning permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a building permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the construction code.

Section 2.2 Zoning Permit Required

A. When Zoning Permit Required: Except as provided in subsection (C) below, none of the following shall occur until the Zoning Administrator has issued a zoning permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a building permit:

1. The initiation of any grading or excavation.
2. The erection, enlargement, alteration, movement or demolition of any wall, structure or building.
3. The use of any land or building or change in the use of any land or building, as delineated in the Permitted Uses tables of Article 3, including the conversion of an abandoned building to an active use.

B. Zoning Permit Form / Approval: A zoning permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No zoning permit or building permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 2.4 regarding application review procedures.

C. Zoning Permit Exemption: A Zoning Permit shall not be required for the following or as provided elsewhere in this Ordinance, but the following shall be subject to the standards and other requirements of this Ordinance:

1. The alteration of any wall of any building provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A building permit may be necessary for such an alteration pursuant to the Construction Code.
2. Fences used in association with agriculture.
3. Grading and/or excavation to a depth no greater than twelve (12) inches in association with ground care, landscaping or agricultural field contouring.
4. Structures that do not exceed two-hundred twenty-five (225) sq. ft. in area.

Section 2.3 Responsibility for Administration

A. General Administration: The administration and enforcement of this Ordinance shall be the responsibility of the Village Council, Planning Commission, Zoning Board of Appeals, and such personnel as designated by the Village Council in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Village Council shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator may simultaneously serve as the Building Inspector.

B. Duties of the Zoning Administrator: Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. Provision of Application Forms: The Zoning Administrator shall make available zoning administration forms as necessary for the efficient and comprehensive administration of this Ordinance.
2. Review Applications: Undertake and/or assist in the review of zoning permit applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
3. Issue Zoning Permits: Issue zoning permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the designated body or official.

4. File of Applications: Maintain files of all applications submitted under this Ordinance, actions on such applications, and any performance guarantees associated with permits.
5. Inspections and Violations: Assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance. The Zoning Administrator is authorized to issue notice of violations pursuant to Section 2.10.
6. Record of Complaints: The Zoning Administrator shall keep a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
7. Reports/Meetings: The Zoning Administrator shall report to the Planning Commission, Zoning Board of Appeals, and Village Council, to report on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise. The Zoning Administrator shall attend meetings of the Planning Commission, Zoning Board of Appeals, and Village Council, as may be requested, in association with such reports.

Section 2.4 Zoning Permit Application and Review Procedures

A. General Application and Review Procedures: An application for a Zoning Permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a Zoning Permit shall be issued.

1. Single-Family and Two-Family Dwellings: Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the Zoning Permit. See Section 2.4(B).
2. Buildings and Structures Not Associated with Single-Family or Two-Family Dwellings: Zoning Permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the Village Council, after receipt of a Planning Commission recommendation, directs the Zoning Administrator to do so, unless provided otherwise by this Ordinance.
3. Plot Plan / Site Plan: An application for a Zoning Permit shall include the submittal of a plot plan or site plan. An application for a single family or two-family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 6 (Site Plan Review) unless provided otherwise by this Ordinance.
4. Special Land Uses: In addition to meeting the site plan requirements of Article 6, a Zoning Permit application for a use classified as a “special land use” according to the Permitted Uses tables of Article 3, or elsewhere in this Ordinance, shall be processed according to the provisions of Article 7 (Special Land Uses), which requires Village Council action after receipt of a Planning Commission recommendation.
5. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 8 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the Zoning Administrator, Planning Commission or Village Council, nor shall such project be issued a Zoning Permit, until action on such variance request has first been acted upon by the Zoning Board of Appeals.
6. Incomplete Applications: If Zoning Permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
7. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this Ordinance, according to Section 2.6.
8. Permit Refusal in Writing: In any case where a zoning permit or other approval requested under this Ordinance is refused, the reasons shall be provided to the applicant in writing by the Zoning Administrator. Such notification may include a copy of the meeting minutes and motion containing such reasons.

B. Single Family and Two-Family Dwellings/Plot Plan Approval

1. Application Required: Application for a zoning permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(C) for exceptions. Three (3) copies of all application materials shall be submitted and shall consist of:
   a. The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal permits including county health department wastewater disposal and potable water system permits, county soil erosion control and storm water management permits, county road commission driveway permits, and state wetland permits.
   b. An accurate, readable, drawing of scale not less than 1" = 30', constituting a plot plan, identifying:
      1) Name, address and telephone number of the applicant (and owner if different).
      2) A scaled property drawing showing lot lines, dimensions, bearings, lot area, legal description, and an arrow pointing north. The Zoning Administrator may require a property survey prepared by a Michigan-licensed surveyor where conditions are present that necessitate a greater level of detail and/or accuracy regarding the location of property lines and/or buildings, such as in the case of an existing or proposed building in the immediate proximity of a lot line.
      3) The location and footprint of existing structures, and the location, height, footprint and scaled floor plans of proposed structures to be erected, altered, or moved on the lot.
      4) Distances of buildings and structures from lot lines.
      5) A description of proposed use(s) of the building(s), land and structures, including the number of bedrooms.
      6) Configuration of the driveway and parking areas.
      7) Existing public and private right-of-ways and easements.
      8) Existing and/or proposed location of septic drain field and potable water well and/or public sewer and water lines.
      9) In the case of a corner lot, the designated side and rear yard.
      10) Any other information deemed necessary to determine Ordinance compliance and provide for the enforcement of the Ordinance, such as wetland permits, soil and erosion control permits, and health department permits including permits for the addition of habitable space to an existing dwelling.
2. Application Review: The Zoning Administrator shall review a Zoning Permit application and determine its conformity with the provisions of this Ordinance.
3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete application including copies of all required county, state and federal applications and permits. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance.
4. Approved Plot Plans: At least two (2) copies of an approved application, with any conditions contained within, shall be maintained as part of the Village records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Village records as a part of the application and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

C. Permit Withholding, Revocation and Expiration

1. Withholding Permit: A designated approving body, including in the case of a variance approval by the Zoning Board of Appeals, may withhold approval of an application pending verification that an applicant has received required county, state or federal permits. Similarly, such body may condition its approval of the requested application on the receipt of such permits.
2. Revocation: A body that grants approval of a permit or application under this Ordinance may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision.

3. Expiration of Permit:
   a. A Zoning Permit, including the approved plot plan or site plan upon which the permit is based and including in the case of a Special Land Use, shall expire after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector.
      1) Where a Zoning Permit does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit shall become null and void after one (1) year from the date of granting such permit unless the clearing, preliminary grading, and survey staking of roads and drives shall have been completed within such time. Such permit shall become null and void after two (2) years from the date of granting such permit unless utilities and access ways, including roads, have been completed.
   b. The body that approved a Zoning Permit may waive or extend the period of time in which the permit is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit.
      1) In the case where the original Zoning Permit is to expire more than three (3) years following the initial issuance of the permit, no extension shall be granted unless the body that approved the permit finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is maintaining a good faith intention to proceed with construction.
      2) In the case of a multi-phased project, the expiration of a zoning permit for a specific phase shall similarly result in the expiration of all zoning permits previously granted for subsequent phases.
   c. Should a Zoning Permit expire, such use, building and/or activity shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this Ordinance.

Section 2.5 Building Permit / Permit of Occupancy Required

A. Building Permit: No grading, excavation, or construction shall be initiated prior to the issuance of a zoning permit and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit.

B. Occupancy Permit: No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

Section 2.6 Performance Guarantee

A. Authority, Purpose, and Timing: To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body for an application may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Village and covering the estimated cost of improvements, be deposited with the Village Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the Zoning Permit authorizing the activity or project. The Village may not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. This section shall not be applicable to single family and two-family dwellings or improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the Land Division Act, Public Act 288 of 1967, as amended.

B. Improvements Covered: Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect natural resources or the health, safety and welfare of residents of the Village and future users or inhabitants of the proposed project area including roadways, lighting, utilities, sidewalks, screening and drainage.

C. Return of Performance Guarantee: For the return of a performance guarantee or portion thereof, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect the improvements and transmit a recommendation to the Village Council with a statement of the reasons for any recommended denial of the return of the performance guarantee or portion thereof. The Village Council shall approve, partially approve or deny the return of the performance guarantee request and shall notify the applicant in writing of the action of the Village Council within forty-five (45) days after receipt of the notice from the applicant of the completion of such improvements. Where approval or partial

approval is granted, the Village Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed.

1. Lack of Full Completion: Should installation of improvements fail to meet full completion based on the approved permit application, the Village may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing the improvements against the performance guarantee. Any balance remaining shall be returned to the applicant.

Section 2.7 Timely Action on Applications

A. General Intent: All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

B. Specific Guidelines: The following time provisions shall apply unless provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits or the submittal of an incomplete application. The prescribed review periods under (2) and (4) below require that an application must be received by the Zoning Administrator at least thirty (30) days prior to the meeting when the reviewing body would normally begin deliberation on such application and, if submitted within a lesser time, the reviewing body may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. Applications Requiring Zoning Administrator Action: A complete application for a Zoning Permit for a single-family or two-family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within fifteen (15) days of the submittal of a complete application.
2. Applications Requiring Planning Commission Action: Action on an application by the Planning Commission, as in the case of making a recommendation to the Village Council regarding a site plan or amendment petition, shall occur within ninety (90) days of the applicant's submittal of a complete application. Where a public hearing is required to be held, this time frame shall be extended by thirty (30) days.
3. Applications Requiring Village Council Action: Where this Ordinance requires the Village Council to act on an application, as in the case of a site plan application or rezoning petition, the Village Council shall take action on the application within ninety (90) days of the applicant's submittal of a complete application. Where the Village Council must delay action until receipt of a recommendation from the Planning Commission, the Village Council shall take action on the application within ninety (90) days of such recommendation.
4. Applications Requiring Zoning Board of Appeals Action: Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within sixty (60) days of the applicant's submittal of a complete application.
5. Public Hearing Notices: See Section 2.11.

Section 2.8 Application Fees

A. Application Fees Required: Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Zoning Administrator in advance of processing any application. The amount of such fees shall be established by the Village Council and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Village and may include but are not limited to costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and professional assistance.

B. Professional Review and Fee: For any application for a zoning permit, variance, or other approval under this Ordinance, the Village Council or the reviewing body may also require the payment of a professional review fee when professional assistance is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee and if actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to continued deliberations on such application. No professional review shall be required for a zoning permit application for a single-family or two-family dwelling. The applicant shall receive a copy of any professional review report.

Section 2.9 Site Inspections

A. Inspections Authorized: The Zoning Administrator shall have the authority to make inspections of premises, upon request at reasonable times, for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. No person shall interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant any time a property owner refuses access to a property in order to make an inspection.

B. Required Inspections:

1. Building Foundation Staking: No construction shall be continued beyond the staking of proposed foundation walls until the Zoning Administrator has approved in writing such staking, upon finding that the foundation walls are in compliance with the approved plot plan or site plan.

Section 2.10 Violations, Penalties and Remedies

A. Violations are a Nuisance Per Se:

1. Any activity or use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
2. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or other approval granted hereunder, or any lawful order or determination of the Village Council, Planning Commission, Zoning Board of Appeals, Building Inspector, Zoning Administrator, Zoning Enforcement Officer or any authorized deputy sheriff, issued pursuant to this Ordinance, shall be in violation of this Ordinance and is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
3. For the purpose of this Section 2.10, ”any person” shall include any person, firm, corporation, or agent, or any employee, servant, lessee, licensee, contractor, or subcontractor of the same.

B. Violations Are Municipal Civil Infractions / Penalties:

1. A violation of this Ordinance is a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine determined in accordance with the following schedule:

Offense	Minimum Fine	Maximum Fine
1st Offense	$ 75.00	$500.00
2nd Offense	$150.00	$500.00
3rd Offense	$325.00	$500.00
4th Offense and there after	$500.00	$500.00

2. In addition to the above fines, the violator shall pay costs that may include all expenses, direct and indirect, which the Village has incurred in connection with the municipal civil infraction.
3. Each day a violation occurs or continues shall constitute a separate offense. The imposition of any fees and costs shall not exempt the offender from compliance with this Ordinance.
   a. The owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may each be found guilty of a separate offense as a principal and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

C. Procedures:

1. Violation Notification: Whenever the Zoning Administrator determines that a violation of this Ordinance or a permit or other approval issued under this Ordinance has occurred or is occurring and if the violation does not constitute an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall give violation notification to the owner or occupant of the property or the person doing the construction or using the land or structures, notifying him/her of the violation and requesting that the violation be corrected within a specified period not exceeding thirty (30) days, as determined practical by the Zoning Administrator. This violation notification is not a "municipal ordinance violation notice" as defined in MCL 600.8707 and does not direct a person to pay fines and costs, if any. This violation notification is authorized by this Article and intended to secure compliance with this Ordinance without imposition of fines or municipal infraction violation costs.

a. Such violation notification shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
b. The Zoning Administrator may grant one or more written extensions of the correction period, provided that each request for extension is in writing and supported by good cause shown and further provided that the total period allowed for correction shall not exceed ninety (90) days from the date of the violation notification. Such an extension may be authorized only where the Zoning Administrator determines that satisfactory progress has been made in attempting to correct the violation and that the violation does not constitute an immediate danger to public safety or the property of others if not corrected.

2. Municipal Civil Infraction: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, a citation for a municipal civil infraction shall be issued. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Village Supervisor or Village Council may initiate injunctive action in Circuit Court or any other court having jurisdiction.

D. Lien: If any fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Village may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of the monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.

E. Other Remedies: In addition to issuance of a municipal civil infraction citation, the Village may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.

Section 2.11 Public Hearing Notices

A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Village.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in the Village of Vandalia, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
   a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
   b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the

structure, who shall be requested to post the notice at the primary entrance to the structure.

4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice of public hearing, by mail. Such notifications need only be provided in the case of text amendments or zoning map amendments to this Ordinance.
5. To any neighborhood organization that registers its name and mailing address with the Village Clerk for the purpose of receiving all or specific notices of public hearings, by mail. Such requests must be renewed every two (2) years to maintain hearing notifications. Fees may be assessed by the Village Council for the provision of these notifications.

C. Timing of Notice and Determination of Notice Given: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

D. Confirmation of Notices Made by Mail or Personal Delivery: The Village Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

End of Article 2

Article 3
ZONING DISTRICTS, REGULATIONS, and MAP

Section 3.1 Establishment of Districts

For the purpose of this Ordinance, the Village is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

Residential Districts

AR	Agricultural –Rural Residential District
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-MF	Multiple Family Residential District
R-MHC	Manufactured Housing Community District

Commercial Districts

C-1	Local Commercial District
C-2	General Commercial District

Industrial Districts

I-1	Light Industrial District

Other Districts

PUD	Planned Unit Development District

Section 3.2 Zoning District Map

A. The boundaries of the respective Districts enumerated in Section 3.1 are defined and established as depicted on the Official Zoning Map entitled VILLAGE of VANDALIA ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance.

B. This Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Village of Vandalia Zoning Ordinance adopted on the 11th day of July, 2016.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

C. The Official Zoning Map shall be located at the official office of the Village and shall be the final authority with regard to the current zoning status of all land in the Village, along with supporting minutes of Village Council meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and from time to time.

Section 3.3 Purposes of Zoning Districts

See Table 3-1.

Section 3.4 Interpretation of District Boundaries

A. Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals shall apply the following standards in arriving at a decision on such matters:

1. Boundaries indicated as approximately following streets or highways shall be construed as following the center lines of said streets or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Village boundary lines shall be construed as following

such boundary lines.

4. Boundaries indicated as approximately parallel to the center lines of streets shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
5. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, canals, or other water courses shall be construed to follow such centerlines.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern. The "more restrictive district" shall be the district that places greater restrictions on development based on such factors as the scope and intensity of authorized uses, setbacks, lot coverage, and related development standards.

Section 3.5 Permitted Uses in Zoning Districts

A. Compliance with Zoning Regulations: Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of, or addition to an existing use, building and structure, occurring after the effective date of this Ordinance, shall be subject to all regulations of this Ordinance that are applicable in the Zoning District in which such use, building, or structure shall be located.

1. Filled Lands: Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.
2. Vacated Streets: Whenever any public street, alley or other public way is vacated by official action of the Village, the vacated land shall automatically and without further governmental action thenceforth acquire the same zoning applicable for the land to which the vacated land shall attach or be adjacent, and be subject to the same district regulations thereof.

B. Uses Permitted in Each Zoning District: Tables 3-2 and 3-3 identify the principal land uses permitted in each of the districts enumerated in Section 3.1. No land use shall be established on a lot except in conformance with Tables 3-2 and 3-3 or as may be provided otherwise by this Ordinance. In order to ensure all possible benefits and protection for the zoning districts in this Ordinance, the Tables delineate whether a land use permitted in a particular District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established, and are subject to plot plan or site plan approval except where provided otherwise.
2. Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the "uses permitted by right" in the District, but could present potential injurious effects upon such primary uses and structures within the District or are otherwise unique in character and therefore require special consideration in relation to the welfare of adjacent properties and to the Village as a whole. All such uses shall be subject to a public hearing and site plan approval. See Article 7, Procedures for Special Land Uses.

C. Accessory Uses: Unless otherwise specified in this Ordinance, uses that are clearly incidental to and customarily associated with the principal use of the property are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.9 (Accessory Uses, Buildings and Structures). Examples of such accessory uses include, but are not limited to, household gardening in association with a dwelling, the repair of vehicles in association with a vehicle dealership, and a parking lot in association with an office building. Except in the case of an approved home occupation, the manufacturing, sale, repair or servicing of items as a commercial activity or service shall not be construed as an accessory use to the principal residential use of a lot.

D. Prohibited Uses:

1. Use Not Listed is Prohibited: Any use of land not specifically permitted is prohibited, including any use of land not specifically identified in Tables 3-2 and 3-3. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and standards that will apply for that use. If the Village Council adopts such an amendment, according to Article 9, then an application can be submitted for that use.
2. Non-Compliance with Local, County, State or Federal Law: No use shall be authorized or permitted that is not in compliance with all local, county, state and federal laws, rules and regulations.

Section 3.6 Site Development Requirements of Zoning Districts

A. All land uses shall comply with the site development requirements of the District in which it is located, as delineated in Table 3-4, in addition to all other applicable site development provisions of this Ordinance including, but not limited to:

1. Article 12, Off-Street Parking and Loading
2. Article 13, Landscaping and Screening
3. Article 14, Environmental Protection
4. Article 15, Access and Private Streets
5. Article 16, Signs
6. Article 18, Standards and Regulations for Specific Land Uses
7. Article 20, Supplemental Provisions

B. No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

C. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot area, width and frontage.

D. No portion of one lot shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.

E. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such law or ordinance shall govern.

Section 3.7 Special District Provisions

A. Manufactured Housing Community District (R-MHC)

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Village for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 6 of this Ordinance, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action of the preliminary plan within sixty (60) days after the Village receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Labor and Economic Growth and all other agencies pursuant to the Mobile Home Commission Act.
3. The minimum lot area for a manufactured housing community project shall be ten (10) acres.

Section 3.8 Voting Place Exception

Nothing in this Ordinance shall be construed as to interfere with, establish limitations for, or otherwise regulate the use of a lot as a voting place in association with a public vote under the management or authority of a municipality.

Table 3-1
PURPOSES of ZONING DISTRICTS

Table 3-1 identifies the principal purposes of the Districts of this Ordinance.

DISTRICTS	PURPOSE
	ALL DISTRICTS
All Districts	1) Uses shall protect environmental resources including wetlands, woodlands and water resources. 2) Districts shall be located in coordination with the Village of Vandalia Master Plan. 3) Uses shall minimize negative impacts on surrounding land uses. 4) Uses shall facilitate safe/efficient vehicular and non-motorized travel. 5) Uses shall be served by adequate facilities and services including sewage disposal, potable water, fire protection, and streets. 6) Districts shall discourage uses and development patterns that are contrary to the purpose of the district. 7) Additional and more specific purposes of each District are delineated below.
	RESIDENTIAL DISTRICTS
AR Agricultural Residential **R-1 Low Density Residential** **R-2 Medium Density Residential** **R-3 High Density Residential** **R-MF Multiple Family** **R-MHC Manufactured Housing Community**	1) In the case of the A-R District, provide opportunities for single-family residential development patterns and lifestyles of a comparatively low density and rural or suburban character, in addition to providing opportunities for agriculture. 2) In the case of the R-1 District, provide opportunities or single-family and two-family residential development patterns and lifestyles of a comparatively low density suburban character. 3) In the case of the R-2 District, provide opportunities for single-family and two-family residential development patterns and lifestyles of a higher density that that of the R-1 District and of a more suburban and/or urban character. 4) In the case of the R-3 District, provide opportunities for single-family and two-family residential development patterns and lifestyles of a higher density that that of the R-2 District and of a more urban character. 5) In the case of the R-MF District, provide opportunities for apartment, townhouse and similar multiple family developments to meet the varied housing needs of current and future residents. 6) In the case of the R-MHC District, provide opportunities for manufactured housing communities to meet the varied housing needs of current and future residents. 7) In the case of all Residential Districts, ensure a healthy residential environment including adequate opportunities for open space, light, air circulation, emergency access, and access to necessary public services, and protect the stability and desirability of residential areas including the discouragement of uses that undermine such goals 8) See also the “All Districts” purpose statement above.

Table 3-1 Continued on Next Page

Table 3-1 Continued (Purposes of Zoning Districts)

DISTRICTS	PURPOSE
	COMMERCIAL DISTRICTS
C-1 Local Commercial **C-2 General Commercial**	1) In the case of the C-1 District, to provide opportunities for commercial uses that address the local day-to-day retail, office and service needs of Village residents and visitors, within a central business district character including comparatively small establishments, continuous storefronts, pedestrian safety and amenities, and the absence of automobile-based uses and congestion-producing conditions. 2) In the case of the C-2 District, to provide opportunities for commercial uses that address the local day-to-day retail, office and service needs of Village residents and visitors, and those of a more regional population. 3) Accommodate and encourage the planned unified and integrated grouping of commercial uses on a single parcel and in coordination with surrounding properties, and the discouragement of traditional strip frontage development. 4) Facilitate safe, convenient, and efficient pedestrian and other non-motorized modes of travel within the development including linkages to neighboring commercial uses and neighborhoods. 5) Development is of a character that compliments the intended character of the Village through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting. 6) Safe and efficient vehicular and non-motorized circulation. 7) See also the “All Districts” purpose statement above.
	INDUSTRIAL DISTRICTS
I-1 Light Industrial	1) Provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, including comparatively small building sizes and the absence of objectionable external affects. 2) Development be of a character that compliments the intended character of the Village through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting. 3) See also the “All Districts” purpose statement above.
	OTHER DISTRICTS
PUD Planned Unit Development	See Section 4.1, Planned Unit Development (PUD) District.

End of Table 3-1

Table 3-2
Permitted Principal Uses in Agricultural / Residential Zoning Districts[1]

"BR" = Use Permitted By Right "S"= Use Permitted as Special Land Use[1] "–" = Prohibited Use

	PRINCIPAL USES[1]	ZONING DISTRICTS				
		AR	**R-1**	**R-2 R-3**	**R-MF**	**R-MHC**
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character					
1	Agriculture.	**BR**	–	–	–	–
2	Areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	**BR**	**BR**	**BR**	**BR**	**BR**
3	Extraction operations.	S	S	S	S	S
4	Public and private facilities comprised of parks, boat liveries, campgrounds, summer camps, golf courses and country clubs.	S	S	S	S	S
	Uses of a Primarily Residential Character					
1	Assisted living facilities, nursing homes and convalescent homes.	S	S	S	S	–
2	Manufactured housing communities.	–	–	–	–	**BR**
3	Multiple family dwellings.	–	–	–	**BR**	–
4	Single family dwellings.	**BR**	**BR**	**BR**	–	–
5	State licensed family home day care and family home foster care facilities.	**BR**	**BR**	**BR**	–	–
6	State licensed group home day care and group home foster care facilities.	S	S	S	–	–
7	Two family dwellings.	–	**BR**	**BR**	–	–
	Uses of a Primarily Commercial, Business or Industrial Character					
1	Agricultural service establishments.	S	–	–	–	–
2	Bed and breakfast.	S	S	–	S	–
3	Boarding houses.	–	–	–	**BR**	–
4	Day care centers.	S	S	–	S	S
5	Hospitals.	S	–	–	–	–
6	Kennels.	S	–	–	–	–
7	Mobile home sales, including as an accessory use to a manufactured housing community.	–	–	–	–	S
8	Radio and television communication towers and associated studios.	S	–	–	–	–
9	Resorts and conference centers.	S	–	–	–	–
10	Retail and wholesale sales of trees, shrubs, flowers and other plant material, and landscape supplies such as mulch, soil, landscape timbers, and garden ornaments.	S	–	–	–	–
11	Stable, Commercial.	S	–	–	–	–
12	Veterinarian clinics.	S	–	–	–	–
13	Wireless communication facilities[2]	S[2]	–	–	–	–

Table 3-2 Continued Next Page. See End of Table for Footnotes.

(Table 3-2 continued)

	PRINCIPAL USES[1]	ZONING DISTRICTS				
		AR	**R-1**	**R-2 R-3**	**R-MF**	**R-MHC**
	Other Uses Not Listed Above					
1	Private landing strips.	S	–	–	–	–
2	Cemeteries, columbariums, mausoleums, and crematories.	S	–	–	–	–
3	Clubs.	S	–	–	S	–
4	Public facilities owned by the Village of Vandalia such as Village offices, fire stations, police offices and jails, cemeteries, and parks.	**BR**	**BR**	**BR**	**BR**	**BR**
5	Public facilities owned by other than the Village of Vandalia, not otherwise addressed in this Table.	S	S	S	S	S
6	Schools, churches, libraries, museums and other institutions and semi-public facilities not otherwise addressed in this Table.	S	S	S	S	S
7	Utility substations, utility service yards, and similar locally-oriented utility service facilities.	S	S	S	S	S

Footnotes:

1. Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:
   a. Any use that exceeds a single building of 10,000 sq. ft. in gross floor area or 20,000 sq. ft. in gross floor area among all buildings on the lot, excluding farm and residential buildings.
   b. Any use that serves alcohol for consumption on the lot on which the alcohol is sold.
2. See Article 18 regarding exceptions to the classification of wireless communication facilities as “special land uses” or “prohibited” uses.

End of Table 3-2

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Table 3-3
Permitted Principal Uses in Commercial and Industrial Zoning Districts[1]
See Footnotes at End of Table

"BR" = Use Permitted By Right "S"= Use Permitted as Special Land Use[1] "–" = Prohibited Use

	PRINCIPAL USES	ZONING DISTRICTS		
		C-1	C-2	I-1
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character[1]			
1	Agriculture.	–	–	**BR**
2	Extraction operations.	S	S	S
3	Marinas	S	–	–
	Uses of a Primarily Residential Character			
1	Dwellings when located on a second or third story above a business.	**BR**	**BR**	–
	Uses of a Primarily Commercial or Business Character[1]			
1	Agricultural service establishments.	–	S	**BR**
2	Animal hospital	–	**BR**	–
3	Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building including, but not limited to, groceries, antiques, auto parts, packaged liquor, furniture, clothing, dry goods, notions, appliances, sporting goods, household pets, books, flowers, nursery stock, jewelry and hardware, but excluding sexually oriented businesses.	**BR**	**BR**	–
4	Bakeries.	**BR**	**BR**	–
5	Bed and breakfasts.	**BR**	–	–
6	Boarding houses.	–	S	–
7	Building material sales yard, including retail lumber yards and incidental millwork, and storage facilities for building materials and equipment.	–	S	**BR**
8	Day care centers.	–	S	–
9	Equipment rental, sales, service and repair associated with commercial, industrial or construction operations including vehicles.	–	S	**BR**
10	Funeral homes, including a dwelling occupied by the owner or manager.	–	**BR**	–
11	Gasoline service station.	–	S	–
12	Health clubs, fitness centers and dance studios.	**BR**	**BR**	–
13	Hospitals.	–	**BR**	–
14	Indoor commercial recreation such as theaters, bowling alleys, skating rinks, indoor shooting ranges, and similar uses.	S	**BR**	–
15	Kennels.	–	S	S
16	Laundry and dry cleaning facilities of less than 5,000 sq. ft. of gross floor area.	**BR**	S	S
17	Laundry and dry cleaning facilities of 5,000 sq. ft. or more of gross floor area.	–	**BR**	**BR**
18	Mobile home sales accompanied by outdoor display of homes.	–	S	–
19	Medical clinics.	**BR**	**BR**	–
20	Mini-storage.	–	S	**BR**
21	Motels and hotels, including conference centers.	–	**BR**	–
22	Landscape and garden supply sales including plant material, mulch, soil, timbers, boulders, gravel, stone, brick, and outdoor furniture and ornaments.	–	**BR**	–
23	Offices and showrooms of plumbers, electricians, decorators, contractors and similar trades, and up to 25% of the floor area may be devoted to manufacturing including making, assembling, remodeling, repairing, altering, finishing or refinishing its products.	**BR[4]**	**BR[4]**	–
24	Offices and showrooms of plumbers, electricians, decorators, contractors and similar trades, and which include more than 25% of the floor area devoted to manufacturing including making, assembling, remodeling, repairing, altering, finishing or refinishing its products.	S[4]	S[4]	**BR**
25	Offices which perform services on the premises including but not limited to financial, insurance, and real estate offices, artist offices and galleries.	**BR**	**BR**	–

Table 3-3 Continued Next Page. See End of Table for Footnotes.

Table 3-3 (Continued)

Permitted Principal Uses in Commercial and Industrial Zoning Districts[1]

"BR" = Use Permitted By Right "S"= Use Permitted as Special Land Use[1] "–" = Prohibited Use

	PRINCIPAL USES	ZONING DISTRICTS		
		C-1	C-2	I-1
	Uses of a Primarily Commercial or Business Character[1]			
26	Offices of an executive, administrative, clerical and similar character, in which the principal function of the office does not entail on-site visits by customers.	**BR**	**BR**	–
27	Offices for accountants, doctors, lawyers, insurers, financial and other consultants, architects, and similar professional office uses.	**BR**	**BR**	–
28	Personal service establishments that perform services on the premises within a completely enclosed building, such as shoe repair, barber and beauty shops, tanning salons, photographic studios, document reproduction, and appliance repair, but excluding laundry and dry cleaning facilities.	**BR**	**BR**	–
29	Publishing, printing, photocopying and other document reproduction services, including newspaper offices and associated printing.	**BR**	**BR**	–
30	Recreation of an outdoor commercial character such as putt-putt golf, batting cages, and go-cart racing, but excluding shooting ranges.	–	S	S
31	Recreation of an indoor commercial character such as theaters, concert halls, bowling alleys, and arcades, but excluding shooting ranges and hunt clubs.	S	S	–
32	Restaurants, excluding drive-in and drive-through restaurants.	**BR[2]**	**BR[2]**	–
33	Restaurants consisting of drive-in or drive-through restaurants.	–	S	–
34	Sexually oriented businesses.	–	–	S
35	Taverns.	S	S	–
36	Vehicle / car wash facility.	–	S	–
37	Vehicle repair shop.	–	S	**BR**
38	Vehicle sales including new and used cars, boats, farm and construction machinery, and other vehicles and items intended for tow, and the service and repair of such items.	–	S	–
39	Veterinarian clinics.	**BR**	**BR**	–
40	Wholesale businesses.	–	S	–
41	Wireless communication towers.	–[3]	S[3]	S[3]
	Uses of a Primarily Industrial Character[1]			
1	Assembly of electrical appliances, electronic instruments and devices, including the manufacture of small parts such as computer parts.	–	–	**BR**
2	Junkyards and salvage yards including auto salvage.	–	–	S
3	Manufacturing, compounding, assembling or treatment of items from materials processed, manufactured or created at another location and transported to the lot in this District for assembly into new products.	–	–	**BR**
4	Manufacturing, compounding, assembling or treatment of articles or merchandise not otherwise included in (6) above.	–	–	S
5	Manufacturing, processing or sales of fertilizers, feeds and other farm supplies.	–	–	S
6	Monument and art stone production and sales.	–	–	S
7	Plastic molding and extrusion.	–	–	S
8	Printing and publishing.	–	S	**BR**
9	Packaging facilities excluding the preparation or packaging of food products.	–	–	**BR**
10	Processing preparation and packaging of food products.	–	–	S
11	Production, processing or testing utilized in product prototyping.	–	–	**BR**
12	Recycling facilities.	–	–	**BR**
13	Sawmills.	–	–	S
14	Tool and die shops.	–	–	**BR**
15	Warehousing, storage and transfer establishments, including truck terminals.	–	–	**BR**

Table 3-3 Continued Next Page. See End of Table for Footnotes.

Table 3-3 (Continued)

Permitted Principal Uses in Commercial and Industrial Zoning Districts[1]

"BR" = Use Permitted By Right "S"= Use Permitted as Special Land Use[1] "–" = Prohibited Use

	PRINCIPAL USES	ZONING DISTRICTS		
		C-1	C-2	I-1
	Other Uses Not Listed Above[1]			
1	Clubs.	S	**BR**	–
2	Parking lot (as principal use)	–	S	–
3	Public facilities owned by the Village of Vandalia such as Village offices, fire stations, cemeteries, and parks.	**BR**	**BR**	**BR**
4	Public facilities not owned by the Village of Vandalia and not otherwise addressed in Table.	S	S	S
5	Schools, churches, libraries, museums and other institutions and semi-public facilities not otherwise addressed in this Table above.	S	S	–
6	Utility substations, utility service yards, and similar uses.	–	S	S

Footnotes for Table 3-3

1. Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:
   a. Any use in a C-1 District that exceeds a single building gross floor area of 5,000 sq. ft. or 10,000 sq. ft. in area among all buildings on the parcel; any use in a C-2 District that exceeds a single building gross floor area of 15,000 sq. ft. or 25,000 sq. ft. in area among all buildings on the parcel; and any use in a I-1 District that exceeds a single building gross floor area of 40,000 sq. ft. or 60,000 sq. ft. in area among all buildings. This Footnote 1(a) shall not apply to farm and residential buildings.
   b. Any use that includes more than one thousand (1,000) square feet in outdoor storage area.
   c. That portion of a use that is comprised of a drive-through facility, such as a drive-through banking facility with or without administrative offices, or drive-through facilities in association with a restaurant.
2. Outdoor areas associated with any restaurant that is used or intended to be used for eating, drinking, sporting activities and/or other gathering of persons, when such outdoor areas exceed 750 square feet in area or otherwise permits more than thirty (30) persons to occupy such area, are classified as a special land use.
3. See Sec. 18.24 regarding exceptions to the classification of wireless communication towers as "special land uses" or "prohibited" uses.
4. In the case of showrooms of plumbers, electricians, decorators, and similar trades, that include floor area devoted to manufacturing including making, assembling, remodeling, repairing, altering, finishing or refinishing its products, first floor areas within 30' of the building's front façade shall be devoted to display, sales, and/or office purposes only

End of Table 3-3

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Table 3-4[1]
SITE DEVELOPMENT REQUIREMENTS[1]

All principal land uses and principal buildings shall comply with the site development requirements of Table 3-4 unless otherwise specified by this Ordinance. See Section 3.7 regarding the R-MHC Manufactured Housing Community District. See Section 20.9 regarding standards for accessory buildings and structures.

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Height feet / stories	Maximum Building Coverage	Minimum Yard Setback Front	Minimum Yard Setback Each Side	Minimum Yard Setback Rear
AR Agricultural Residential	2 acres	200 ft.[2]	35 ft.[3] / 2.5 stories	15%[4]	50 ft.[5]	15 ft.[6]	50 ft.[7]
R-1 Low Density Residential	20,000 sq. ft.; 30,000 sq. ft. for TFD	100 ft. [2]; 165 ft. for TFD[2]	35 ft.[3] / 2.5 stories	20%[4]	50 ft.[5]	15 ft.[6]	50 ft.[7]
R-2 Medium Density Residential	8,700 sq. ft.; 10,000 sq. ft. for TFD	60 ft. [2]; 80 ft. for TFD[2]	35 ft.[3] / 2.5 stories	35%[4]	30 ft.[5]	10 ft.[6]	25 ft.[7]
R-3 High Density Residential	5,000 sq. ft.; 6,000 sq. ft. for TFD	50 ft. [2]; 70 ft. for TFD[2]	35 ft.[3] / 2.5 stories	40%[4]	20 ft.[5]	5 ft.[6]	20 ft.[7]
R-MF Multiple Family	4,000 sq. ft. per dwelling unit	80 ft.[2]	35 ft.[3] / 3 stories	35%[4]	50 ft.[5]	25 ft.[6]	25 ft.[7]
C-1 Local Commercial	5,000 sq. ft.	50'[2]	40 ft.[3] / 3 stories	60%[4]	5 ft.[5]	5 ft.[6]	20 ft.[7]
C-2 General Commercial	1 acre	200 ft.[2]	40 ft.[3] / 3 stories	60%[4]	40 ft.[5]	20 ft.[6]	20 ft.[7]
I-1 Light Industrial	1 acre	200 ft.[2]	40 ft.[3] / 3 stories	70%[4]	50 ft.[5]	20 ft.[6]	20 ft.[7]

See following pages for Table 3-4 Footnotes.

Footnotes for Table 3-4
Site Development Requirements

1. **Other Standards and Regulations:** All uses shall comply with the site development requirements in Table 3-4, unless specified otherwise by this Ordinance. See also Article 12 - Off-Street Parking and Loading, Article 13 - Landscaping and Screening, Article 14 - Environmental Protection, Article 15 - Access and Private Streets, Article 16 - Signs, Article 18 - Standards and Regulations for Specific Land Uses, and Article 20 - Supplemental Provisions (including provisions addressing accessory structures), and other Articles as applicable.

2. **Configuration of Lots:** All lots shall conform to the following configuration requirements:
   a. Depth-to-Width Ratio: The depth of a lot shall not exceed four (4) times its width. See Article 21 regarding definitions for "lot width" and "lot depth."
   b. Lesser Frontage and Width Exceptions: Lesser frontage and width standards than those of Table 3-4 may be approved where the front lot line abuts a curvilinear street segment, such as a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in overall width or area, or otherwise result in irregular or impractical configurations. However, such frontage and width reductions shall not exceed fifty percent (50%), and the minimum front yard setback shall be increased to the line at which there is compliance with the lot width standard of Table 3-4.

3. **Height Exceptions:**
   a. All Districts Except C-1 District: Principal buildings and structures that are not used for agricultural or residential purposes may exceed the height limitations of Table 3-4 provided the building is setback from all lot lines an additional two (2) feet for each one (1) foot that the building exceeds the height limitation of Table 3-4 and, except in the case of agricultural buildings, the maximum height of such buildings or structures shall not exceed fifty (50) feet.
   b. Mechanical and Architectural Features: The following height exemptions shall apply in addition to 3(a) above except where otherwise regulated by this Ordinance, provided no portion of the building or structure for which height exceptions are granted under this Footnote 3(b) shall be used for human occupancy and the site plan approving body finds the exemption shall not undermine the character, use and enjoyment of nearby properties:
      1) Roof-mounted features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, and similar features, provided such features do not exceed a horizontal area greater than five percent (5%) of the area of the structure's first floor. The "horizontal area" shall be measured in square feet at the location where the feature extends from the roof.
      2) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, and ventilators, but not to exceed ten (10) feet above the roof surface upon which they are located.
      3) Public utility structures.

4. **Maximum Lot Coverage:** In addition to the maximum lot coverage standard of Table 3-4, the following minimum portions of a front yard shall be maintained as lawn, planting beds, or other landscaped areas comprised of live plant material.
   a. C-1 District: 10%
   b. All Other Districts: 40%

5. **Front Yard Setback:**
   a. Measurement: Unless specified otherwise in this Ordinance, including (b) below, front yard setbacks shall be measured from the street right-of-way line constituting the front lot line.
   b. R-1 and R-2 Districts Averaging: The required front yard setback for a dwelling in the R-1 and R-2 Districts shall be reduced to the average of the existing dwelling setbacks along the same side of the street within 300' to either side of such dwelling, but in no case shall such setback be less than twenty (20) feet and in no case shall such setback be required to be greater than fifty (50) feet. Where only a portion of a dwelling is located within such 300' measured distance, the setback of the entire dwelling shall be used for determining such average setback.

6. Side Yard Setbacks

a. All Corner Lots: For a corner lot in any district, the minimum required front yard setback shall apply to both yards abutting a street right-of-way/easement, except that the minimum setback for the designated side yard may be reduced the minimum amount necessary to ensure a twenty (20) foot buildable lot width. However, in no case shall such setback be less than twenty (20) feet. "Buildable lot width" shall be defined as the width of the lot measured at the required minimum front yard setback line less both required side yard setback dimensions.

b. R-2 District: Side yard setbacks for principal buildings in the R-2 District shall be 10' except that in the case of a lot recorded with the County Register of Deeds prior to the effective date of this Ordinance, used for single-family or two-family purposes and which does not comply with the minimum required lot width, each required side yard setback shall be equal to ten percent (10%) of the lot width, but in no case shall each side yard setback be less than six (6) feet and need not be greater than ten (10) feet. Side yard setbacks for corner lots shall comply with Footnote 6(a) above.

c. C-1 District: The required five (5) foot side yard setback shall not apply in the case of shared-wall construction with an adjacent building on an adjacent lot. The required five (5) foot side yard setback shall be increased to twenty (20) feet where the side lot line abuts a Residential District.

d. I-1 District: The required twenty-five (25) foot side yard setback shall not apply in the case of shared-wall construction with an adjacent building on an adjacent lot. The required twenty-five (25) foot side yard setback shall be increased to one-hundred (100) feet where the side lot line abuts a Residential District.

e. Article 14: See Article 14 regarding special setbacks from streams, lakes, wetlands and similar natural features.

7. Rear Yard Setbacks

a. R-2 District: Except as provided in Footnote 7(b) below, rear yard setbacks for principal buildings in the R-2 District shall be 25' except that in the case of a lot recorded with the County Register of Deeds prior to the effective date of this Ordinance, that has a lot depth of less than 100', the minimum required rear yard setback shall be equal to 25% of the lot depth, but in no case shall a minimum required rear yard setback be less than 20'.

b. Article 14: See Article 14 regarding special setbacks from streams, lakes, wetlands and similar natural features.

End of Article 3

Article 4
PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 4.1 Purpose

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUDs), pursuant to the Michigan Zoning Enabling Act. It is the intent of the Article to authorize the use of PUD regulations to permit flexibility in the regulation of land development to encourage beneficial innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To this end, the provisions of this Article are intended to result in land use development substantially consistent with the planned development pattern for the Village according to the Village of Vandalia Master Plan, with modifications and departures from Ordinance requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

Section 4.2 PUD Is a Separate District

A PUD is permitted as a separate zoning district and only when determined to be in compliance with the provisions of this Article. The approval of a PUD shall require an amendment of the Official Zoning Map constituting a part of this Ordinance, so as to designate the property "PUD," and the PUD shall be subject to the approved PUD application including the approved PUD site plan.

Section 4.3 Minimum Eligibility Criteria

A. The following minimum eligibility criteria shall be met in order for PUD approval:

1. Recognizable and Substantial Benefit: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
2. Availability and Capacity of Public Services: The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
3. Compatibility with the Master Plan: The proposed development shall be in accordance with the goals and policies of the Village of Vandalia Master Plan.
4. Compatibility with the PUD Intent: The proposed development shall be consistent with the intent and spirit of Section 4.1.
5. Economic Impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
6. Unified Control of Property: The proposed development 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 and the specifications of the PUD approval.

Section 4.4 Use and Design Standards

A. Permitted Uses and Mix of Uses:

1. Scope of Uses: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Village of Vandalia Master Plan.
2. Non-Residential Uses in a Residential Development: Where the Master Plan provides for primarily residential development patterns, commercial and other nonresidential uses may be permitted as part of a PUD that also contains a residential component, provided that the residential component will be predominant.
   a. The determination of the predominance of the residential component shall take into account the extent to which the non-residential use serves residents in the PUD compared to others who will travel to the site, the amount of traffic generated by the non-residential use compared to the residential component, the operational hours of the non-residential use, the proportional land area allocated to the non-residential use, and the building floor area allocated to the non-residential use.

B. General Site Development Standards and Waivers: The site development standards for all proposed portions of a PUD shall conform to this Ordinance, including access and street standards, landscaping and screening, off-street parking and loading, and signage, except that the Village Council may waive such standards where such modifications will result in a more beneficial development than would be possible without the modifications.

1. Residential Standards: Unless a waiver is granted, standards pertaining to lot area and dimensions, density, lot coverage, and setbacks for residential portions of a PUD shall comply with the minimum standards of Table 3-4 of Article 3 according to the Resource Conservation or Residential District that most closely corresponds to the character of such portion of the PUD.
2. Commercial / Industrial Standards: Unless a waiver is granted, standards pertaining to lot area and dimensions, lot coverage, and setbacks for commercial and industrial portions of a PUD shall comply with the minimum standards of Table 3-4 of Article 3 according to the commercial and/or industrial district that most closely corresponds to the character of such portion of the PUD. Unless a waiver is granted, each individual non-residential use shall comply with applicable standards contained in Article 18, Standards and Regulations for Specific Land Uses.
3. Waiver Findings: The waiving of development standards may be authorized only upon a finding by the Village Council that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

Section 4.5 Approval Standards

A. Each application for a PUD shall conform to all applicable provisions of this Ordinance unless specific waivers have been granted by the Planning Commission, and the following:

1. Site Plan Approval Standards, Section 6.4.
2. General Approval Standards for Special Land Uses, Section 7.6.

Section 4.6 Procedure for Review and Approval

A. Optional Pre-application Conference: Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Chairperson of the Planning Commission and the Village President, together with such consultants and local officials and staff as either the Village or the applicant deem appropriate. The purpose of the meeting shall be to inform Village officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Village pertaining to the development being contemplated by the applicant. Statements made in the course of a pre-application conference shall not be legally binding commitments. At the pre-application conference(s), the applicant may present a general sketch plan of the proposed PUD that provides an overview of the proposed project.

B. Preliminary Site Plan: Application, Public Hearing, and Action:

1. The applicant shall submit to the Zoning Administrator twenty (20) copies of a preliminary site plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall forward copies to the Planning Commission. The preliminary site plan shall comply with the requirements of Section 6.3 and include a detailed text description of the proposed development and all Ordinance standards for which the applicant is seeking a waiver.
2. The Planning Commission shall review the preliminary site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary site plan submittal, the Planning Commission shall act on the preliminary site plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 6.
3. Following the public hearing provided under Article 9 and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the PUD application and the preliminary site plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 6.4 and 7.6. The Planning Commission shall recommend to the Village Council to approve, deny, or approve with conditions the preliminary site plan. The Planning Commission shall prepare and transmit a report to the Village Council stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision. The report shall document the extent to which the Planning Commission supports the waivers being requested by the applicant and any concerns regarding the same.

4. The Village Council shall take final action to approve, deny, or approve with conditions the preliminary PUD application and site plan. In reviewing the preliminary PUD application and site plan, the Village Council shall consider the applicable requirements of this Article and Ordinance including Sections 6.4 and 7.6. The Village Council shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision. The effect of Village Council approval of the preliminary PUD application and site plan shall be:
   a. to authorize the fundamental PUD character and layout embodied in the preliminary site plan, including any conditions applied to the approval, prior to the preparation of a final site plan.
   b. to authorize a change on the Zoning Map to classify the subject property as “PUD”.

C. Final Plan and Permit Issuance

1. Within eighteen (18) months following receipt of preliminary approval, the applicant shall submit to the Zoning Administrator twenty (20) copies of a final PUD site plan, or phase one of a final site plan, in conformance with Section 6.3 and including a detailed text description of the proposed development and all Ordinance standards subject to a proposed waiver. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Village Council extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Village Council, found upon inspection by the Village Council to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Village departments and staff, consultants, County Drain Commissioner, and County Road Commission.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Village Council stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Village Council to approve, deny, or approve with conditions the final plan. The Village Council shall take final action to approve, deny, or approve with conditions the final PUD site plan. In reviewing the final plan, the Village Council shall consider the applicable requirements of this Article and Ordinance, including Sections 6.4 and 7.6. The Village Council shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements shall be carried out in accordance with the approved PUD unless a site plan revision is approved by the Village Council upon request or approval of the applicant or applicant’s transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.
   a. An approved final site plan shall become null and void three (3) years from the date of its approval unless the project for which site plan approval has been granted has been completed within such time period. The Village Council may extend such approval time for multiple periods of no greater than one (1) year per period. No extension shall be granted unless the Village Council finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the site plan. Where new standards or regulations have been made part of this Ordinance since the date of the site plan approval, the Village Council may waive compliance with such new standards and regulations for the remaining portion of the project to be completed upon a finding that conformance to the new standards would unreasonably burden the completion of the project and continued compliance with the standards on which the site plan was originally approved shall not undermine the public health, safety and welfare including the project’s impact on surrounding land uses.

Section 4.7 Phasing of Mixed Uses

A. Residential PUDs: In developments that are to be predominantly residential in character but include nonresidential components, the Village Council may require a phasing plan to ensure that a specified number or percentage of the proposed residential units are constructed prior to or concurrently with nonresidential components, and such phasing plan may include other requirements to ensure appropriate phasing.

B. Non-Residential PUDs: In developments that are not to be predominantly residential in character but include a mix of uses, the Village Council may require a phasing plan to ensure that certain uses or components of the PUD be constructed prior to or concurrently with other uses or components to ensure the intended dominant character of the PUD.

End of Article 4

Article 5

Reserved for Future Use

End of Article 5

Article 6
SITE PLAN REVIEW

Section 6.1 Purpose

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this Ordinance. These requirements are incorporated into the zoning permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this Ordinance.

Section 6.2 Site Plan Approval Required

A. Uses Requiring Site Plan Approval: Except as provided by subsection (1) below, site plan approval is required prior to the Zoning Administrator's issuance of a zoning permit for all authorized uses including multiple family dwellings, commercial and industrial uses, institutions, campgrounds, shooting ranges, site condominiums, and platted subdivisions.

1. Exceptions:
   a. Single family and two-family dwellings, and alterations and accessory structures and buildings thereto, including driveways, shall be subject to plot plan approval by the Zoning Administrator. See Section 2.4.
   b. Uses and structures expressly exempted elsewhere in this Ordinance.

Section 6.3 Review Procedures

A. Preliminary Site Plan Option: Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant may seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (B) – (E) below.

1. Level of Detail: A preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 6.3(B), except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, storm water management including flow direction and preliminary location of detention/retention basins; general grading including limits of clearing and proposed contours; vehicular circulation including general road alignments, parking spaces and parking circulation; lot areas and lot lines; signage; and landscaping.
   a. A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Village planning documents, other applicable ordinances, and state and federal statutes.
2. Approval Period: Approval of the preliminary site plan is valid for a period of eighteen (18) months except where this Ordinance expressly authorizes otherwise. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Village Council upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon the applicant submitting a wholly new application according to Section 6.3.
3. Sketch Plan Option: Prior to the submission of a preliminary site plan, an applicant may submit a sketch plan of the proposed development which identifies basic development features such as property location and lot lines and the general location of proposed buildings, roads, and parking areas. The purpose of such submittal is for the applicant to receive initial feedback from the Village Council regarding the appropriateness of the proposal prior to moving forward with the preparation of a more detailed preliminary or final site plan. Given that critical development information is not required for a sketch plan such as storm water management, grading, road design, and the limits of grading and clearing, comments offered in the course of reviewing a sketch plan shall not be legally binding nor be interpreted as assuring a specific action on any subsequent preliminary or final application submitted.

B. Final Site Plan Submittal, Distribution and Data: A minimum of fifteen (15) copies of a final site plan and zoning permit application form, for the proposed development for which site plan approval is being sought, shall be submitted to the Zoning Administrator. Upon receipt of such materials, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Village Council, and other agencies or individuals selected to review the site plan.

1. Site Plan Preparation: The site plan shall be provided on a professional quality drawing of scale not less than 1" = 50' and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The site plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this Ordinance and the satisfactory construction of the project. Sheet size shall not exceed 24 inches by 36 inches. The following information shall be included on a site plan.
   a, General Information: Each site plan sheet shall include the following general information in addition to the information required under subsection (3) and (4):
      1) The applicant's full name, address and phone number.
      2) The name, address and phone number of the person and firm responsible for the site plan sheet's preparation; and the name of the proposed development.
      3) Bar/graphic scale and north arrow.
      4) The most current revision date.
   b, Specific Site Information: The site plan sheet shall include the specific site information required under subsection (2) and (3) below except where the Planning Commission or Village Council determines that the waiving of specific submittal items, due to the particular character of proposed development or site or surrounding conditions, shall not undermine the ability to effectively evaluate the extent to which the site plan complies with the standards of this Ordinance and protects the public health, safety and welfare. The Planning Commission or Village Council may subsequently void this waiver should deliberations reveal the need for additional information.
2. Site Plan / Existing Conditions Information: The site plan shall identify the existing conditions on the subject property and shall portray the following minimum information:
   a. Location map with north point, including all roads and road names within one (1) mile.
   b. A property line survey, correlated with a legal description, showing property line dimensions and bearings and net acreage (minus rights-of-way) and total acreage, to the nearest 1/100 acre.
   c. Zoning classification of applicant's lot and all abutting lots.
   d. Distance from lot frontage corners to nearest driveways along both sides of such frontage.
   e. Notation of any variances that have been granted.
   f. Buildings and structures including dimensions, height, and setbacks from lot lines, with a designation as to which are to be retained, removed, or otherwise altered.
   g. Roads, drives and alleys including surface materials and surface and right-of-way widths.
   h. Parking space and aisle dimensions and the total number of spaces.
   i. Natural features including soil types and soil unit boundaries; topography at minimum two (2) foot contour intervals, referenced to a U.S.G.S. benchmark and extending a minimum distance of fifty (50) feet from all lot lines; lakes, ponds, continuous and intermittent drainage courses; floodplains; and wetlands including the source of wetland delineation information.
   j. Non-motorized travel ways including trails, paths, and sidewalks, and the widths of each.
   k. Utilities including sanitary sewer, septic system, potable water, electricity, communication and gas service.
   l. Location, width and purpose of all easements and rights-of-way including for utilities, access, and drainage.
3. Site Plan / Proposed Modifications: The site plan shall identify proposed modifications to the subject property including the following minimum information:
   a. Buildings and structures including location, height, outside dimensions, floor area of each and in total, floor plans and elevations, and required setbacks. Elevations shall indicate type and color of exterior materials, roof design, projections, canopies, awnings, overhangs, screen walls, and outdoor or roof-located mechanical equipment such as air conditioning units, heating units, and transformers.
   b. Accessory structures including the location, dimensions, and construction details for signage; location and height of lighting; and location, dimensions and construction details for fences and walls;

c. Roads, drives and other access and circulation features including sidewalks and trails; driveway entrances; centerlines; surface materials; surface and right-of-way widths; inside radii of all curves including driveway curb returns; acceleration, deceleration, passing and fire lanes; typical cross-section of roads and driveways; loading and unloading areas; and parking lots including configurations, parking space and aisle dimensions, location of handicap parking spaces, total number of parking spaces, and the basis for calculating the required number of parking spaces. Proposed traffic control measures (signs) shall also be indicated.
d. Landscape plan prepared according to and identifying the information required by Article 13.
e. Accessory structures and use areas including outdoor storage, trash receptacle and transformer pad locations and method of screening, and exterior lighting locations and method of shielding lights from adjacent properties
f. Proposed source and location of all public and private utilities including gas, electric, and telephone service; potable water and sewage disposal including sewer and water mains, septic field facilities, well sites, water service leads and hydrants; and the necessary easements that exist or are to be established for installation, repair and maintenance of such utilities.
g. Proposed grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and grades, and proposed topography at minimum one (1) foot contours. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
h. Proposed location and specifications for any existing or proposed above or below ground storage facilities for any flammable, toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
i. Location and description of all easements and rights-of-way for utilities, access, and drainage.
j. Intended schedule for completing the project, including the timing of project phases.
k. A statement identifying all federal, state and local permits required, if any.
l. In the case of a platted subdivision, condominium subdivision or similar residential development, the number, type and location of each type of residential unit on each lot; density calculations; garage and carport locations; road alignments, widths, names and intersection details; community building locations, dimensions, floor plans, and facade elevations; the location, size and purpose of open space and recreation areas including swimming pool deck and fencing details. If common area or community buildings are proposed, the site plan shall indicate the responsibilities of the subdivision or condominium association, property owners, or other entity, with regard to maintenance of the common areas or community property on a continuing basis.
m. Any additional information that may be determined necessary to enable Village officials to determine compliance with the standards of this Ordinance.

C. Zoning Administrator Review for Completeness: Upon receipt of the application materials, the Zoning Administrator shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Zoning Administrator shall delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies. The Zoning Administrator may solicit review assistance from village staff and/or consultants with expertise in site plan matters.

D. Planning Commission Recommendation: Upon receipt of a complete application, the Planning Commission shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 6.4. After conducting a review, the Planning Commission shall make a recommendation to deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 6.4.

1. The Planning Commission shall recommend approval or conditional approval if the site plan contains the information required by and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Village planning documents, other applicable ordinances, and state and federal

statutes. Any conditions of approval recommended by the Planning Commission shall be stated in writing, together with the reasons, and made available to the applicant and Village Council (see Sec. 20.2 regarding conditional approvals).

2. The Planning Commission may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of such an extent or character that a fully revised set of documents is necessary before an approval action can be granted.

E. Village Council Action: Upon receipt of a recommendation from the Planning Commission, the Village Council shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 6.4. After conducting a review, the Village Council shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 6.4. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Village planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Village Council for approval shall be stated in writing, together with the reasons, and delivered to the applicant (see Sec. 20.2 regarding conditional approvals).

1. The Village Council may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of such an extent or character that a fully revised set of documents is necessary to clearly present the site plan with the approval conditions illustrated on such plan, before a final approval action can be granted.

F. Issuance of Zoning Permit / Building Permit Required: Upon approval or conditional approval of a site plan by the Village Council, the Zoning Administrator shall issue a zoning permit authorizing the use and construction subject to the approved application. Where a conditional approval expressly provides for the delay of the issuance of a zoning permit until a specific condition has first been met, the Zoning Administrator shall delay the issuance of the permit until the condition has been met.

1. Building Permit Required: Upon issuance of a zoning permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

G. Approved Site Plans: Three (3) copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Village records for future review and enforcement. One (1) copy shall be returned to the applicant. Each of the three approved copies shall be signed and dated by the Zoning Administrator, with the date of approval specified.

H. As-Built Drawings: The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a permit of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including utility services.

Section 6.4 Site Plan Approval Standards

A. Specific Site Development Standards: Each preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of:

1. Article 12, Off-Street Parking and Loading
2. Article 13, Landscaping and Screening
3. Article 14, Environmental Protection
4. Article 15, Access
5. Article 16, Signs
6. Article 18, Standards for Specific Land Uses
7. Article 20, Supplemental Provisions

B. General Site Plan Approval Standards: In addition to compliance with the standards of subsection (A) above, all site plans shall comply with the following general site plan approval standards:

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another both visually and physically, and the character of the proposal as viewed from nearby properties and roads.
2. The site plan shall be of a character that supports the purpose of the District in which the development is to be located, as described in the Purpose tables of Article 3.
3. The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the District, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking. Landscaping measures shall be

employed to enhance the development's character and encourage compatibility with existing and planned development and uses in the area.

4. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space, shall be coordinated with adjacent properties.
5. The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands.
6. The site plan shall provide for the removal of storm water so as to minimize on-site flood conditions and assure the well-being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems due to flooding, erosion, sedimentation, or other negative impacts. Storm water management plans shall rely on existing drainage patterns where practical and minimize topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and nearby water courses.
7. The site plan shall provide vehicular and non-motorized circulation and parking in a manner that ensures visually clear, safe, convenient and efficient travel in the site and at ingress and egress points. The circulation plan shall minimize congestion, conflicting turning patterns, negative impacts upon abutting properties, and the avoidance of unnecessary curb cuts and roads. New curb-cuts, drives and roads shall be coordinated with the existing and planned public circulation system and improvements thereto, and shall ensure adequate sight distances. All buildings shall be arranged as to permit emergency access by some practical means to all sides.
8. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Underground facilities shall be provided to the greatest extent feasible.
9. Where a project is proposed for construction in phases, the site plan phasing shall be so designed that each phase, when completed, 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 insure protection of natural resources and the health, safety and welfare of the users of project and surrounding properties.
10. Site plans shall conform to all applicable Village planning documents including the goals and objectives of the Village of Vandalia Master Plan, other applicable ordinances, and state and federal statutes.

Section 6.5 Conformity to Approved Site Plans

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved zoning permit shall be subject to revocation pursuant to Section 2.4(C).

Section 6.6 Changes to Approved Site Plan

A. Site Plan Changes: No changes shall be made to an approved site plan or site improvements prior to, during, or after construction except according to the following procedures:

1. Major Changes: Major changes to an approved site plan shall be reviewed and acted upon according to Section 6.3. A "major change" shall include the following:
   a. a change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, or exterior building walls.
   b. a change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
   c. a reduction or increase of more than four (4) parking spaces or one-hundred (100) square feet of floor area.
   d. an increase in the number of dwelling units or the realignment of lot lines in a platted or condominium subdivision where such realignment exceeds five (5) feet at any single point.
   e. an increase of more than five (5) feet in building height.
   f. the addition of a building.
   g. the relocation of outdoor storage areas or other outdoor use areas.
   h. the re-occupancy of a vacant building.
2. Minor Changes: Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Planning Commission or, in the case of a Special Land Use, to the Village Council.
   a. Minor changes to an approved site plan shall include changes not otherwise identified as a major change in (A)(1) above including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening,

and changes to the location, elevation or grade of storm sewer, sanitary sewer, or other utilities where the Village Engineer has approved such changes.

Section 6.7 Pre-Existing Site Plans Under Review

All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval prior to the effective date of this Ordinance or amendment thereto. In such case, the final site plan shall be reviewed using the procedures and substantive standards under the ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the effective date of this Ordinance or amendment thereto, contains all required information, and is accompanied by all required fees.

Section 6.8 Expiration of Site Plan Approval

Unless expressly authorized otherwise by this Ordinance, an approved site plan shall become null and void at the time the zoning permit issued for the approval site plan becomes null and void according to Section 2.4(C). In the case of a multi-phased project, site plan approval for each approved phase shall become null and void when such zoning permits have not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan.

End of Article 6

Article 7
SPECIAL LAND USES (SLU)

Section 7.1 Purpose

It is the purpose of this Article to specify the process that shall be followed in the review and approval of "Special Land Uses" (SLU) as authorized by the Use Tables of Article 3 and elsewhere in this Ordinance, including the standards by which such applications shall be evaluated to ensure conformance with this Ordinance and encourage public health, safety and welfare.

Section 7.2 Review Procedure

A. Application: An application for a zoning permit for an SLU shall consist of:

1. An application form available from the Zoning Administrator, signed by the property owner(s) and applicant(s).
2. A site plan prepared according to Sec. 6.3.
3. A detailed description of the proposed project, in narrative form.

B. Planning Commission Action / Public Hearing:

1. Application for a zoning permit for an SLU shall follow the same general procedures as delineated for site plan review according to Section 7.3 except that upon finding that the application materials are complete, the Planning Commission shall hold a public hearing on such application before forwarding a recommendation on the application to the Village Council for final action. Notice of the hearing shall comply with Section 2.11.
2. When evaluating the application, the Planning Commission and Village Council shall refer to the approval standards set forth in Section 7.6 in addition to those specified for site plan approval (Section 6.4). Actions on the application by the Planning Commission and Village Council shall be incorporated into a statement of findings and conclusions relative to the SLU application that specifies the basis for the decision and any conditions of approval.
3. An application for a SLU shall be an application to determine the appropriateness of both the proposed use on the subject property and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion of approval, conditional approval or denial. Refer to Section 20.2 regarding conditional approvals.

Section 7.3 Changes

A. Site Plan: Changes to an approved site plan that are classified as "minor" according to Section 6.6 shall be acted upon as provided in Section 6.6. In the case where such change constitutes a "major" change, such change shall be subject to the same review and approval provisions specified in Section 7.2.

B. Use or Activity: A change in the character of the use or activity from what the originally approved zoning permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 7.2. Examples requiring a new application and review procedure include the establishment of another SLU; the expansion or reduction of the land area comprising the original approved application; and the expansion or increase in intensity of the use including but not necessarily limited to the erection of additional buildings and the extension of authorized hours of operation.

Section 7.4 Appeals

A person aggrieved in association with an SLU decision may appeal the decision to the circuit court only. This limitation shall not prohibit an applicant from seeking a variance from a specific site development standard of this Ordinance according to Article 8.

Section 7.5 Reapplication

No application for a zoning permit for an SLU which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the previous denial, as determined by the Village Council. A reapplication shall require a new fee and the process shall follow the provisions of Section 7.2.

Section 7.6 Approval Standards

A. General Standards: No SLU application shall be approved except where the application complies with the following standards:

1. Shall be consistent with the Village of Vandalia Master Plan.
2. Shall be consistent with the purpose of the zoning district in which it is located.
3. Shall be designed, constructed, operated and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of proposed structures, open space areas, lighting, and landscaping and screening of parking and storage areas, and hours of operation.
4. Shall be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimizes the impact of traffic generated by the proposed development on adjacent properties.
5. Shall not require excessive additional public facilities and services requirements at public cost.
6. Shall not be hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as the location of driveways and traffic flow patterns including turning patterns; vehicular and pedestrian safety; the intensity and character of traffic and parking conditions; hours of operation; and the production of noise, glare, vibration, odors, or other external impacts.
7. Shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
8. Shall be in compliance with the site plan approval standards of Section 6.4.

B. Specific Standards: In addition to compliance with the above general standards in subsection (A), an SLU shall comply with the specific site development standards and regulations of this Ordinance including as may be specified for each district and as may be identified in Article 7.

Section 7.7 Expiration of Special Land Use Approval

A zoning permit issued for a Special Land Use shall not expire except according to Section 2.4(C) and in the case where the SLU has been abandoned or has been otherwise inactive for a period of more than five (5) years. Where such a permit has expired, the use shall not be reinitiated except upon approval of a newly submitted application including site plan approval and a public hearing. In the case of a multi-phased project, SLU approval for each approved phase shall become null and void when such zoning permits have not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan for the SLU.

End of Article 7

Article 8
ZONING BOARD of APPEALS (ZBA)

Section 8.1 Purpose

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, as amended, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved.

Section 8.2 Creation and Membership

A. Establishment and Appointment of Members: A ZBA is hereby established in accordance with Public Act 110 of 2006 as amended. The ZBA shall consist of three (3) members, appointed by the Village Council by majority vote. One (1) of the members shall be a member of the Planning Commission. One (1) regular or alternate member of a ZBA may be a member of the Village Council but shall not serve as the chairperson. The remaining regular member, and any alternate members, shall be selected from the electors of the Village residing within. The members selected shall be representative of the population distribution and of the various interests present in the Village. An employee or contractor of the Village Council may not serve as a member of the ZBA.

B. Alternate Members: The Village Council may appoint not more than two (2) alternate members to the ZBA. The alternate members shall be called on a rotating basis to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

C. Terms of Appointment: ZBA members, including alternate members, shall be appointed for three (3) year terms except in the case of a Planning Commission and/or Village Council member serving on the ZBA, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Village Council. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. When the initial members of the ZBA are first appointed, one (1) or more of the appointments may be for less than three (3) years to provide for staggered terms. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

D. Removal from Office / Conflict of Interest: A member of the ZBA may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8.3 Organization

A. Rules of Procedure and Officers: The ZBA shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

B. Meetings and Quorum: Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the regular membership of the ZBA shall comprise a quorum, which may include an alternate member(s) sitting in for a regular member(s). The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act (P.A. 267 of 1976, as amended).

C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of witnesses.

D. Records/Minutes: The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Village Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions, and shall be available to the public according to the Open Meetings Act.

E. Legal Counsel: The Village Attorney shall act as legal counsel for the ZBA.

Section 8.4 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the administration or enforcement of this Ordinance.

Section 8.5 Appeals for Administrative Reviews

A. Authority: The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official that made the decision subject to the appeal. This authority shall not extend to decisions on Special Land Use applications and ordinance amendment petitions.

B. Standards: The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based upon an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
5. did not follow required procedures.

C. Procedures:

1. Application Requirements: A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of seven (7) copies of the application shall be submitted along with any required application fees.
2. Stay: An appeal of an administrative decision shall stay all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would in the opinion of the officer or body would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on satisfactory demonstration of due cause.
3. Record of Facts / Transmission of Record: Upon receipt of an application for administrative review, the officer or body that made the decision being appealed shall transmit to the ZBA all papers constituting the record associated with the decision being appealed. In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed.
   a. The ZBA shall not consider new information which had not been presented to the administrative official or body that made the decision subject to the appeal except where the ZBA first remands the matter back to the body that made the original administrative decision with an order to consider the new information and affirm or modify its original decision.
4. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Village Council.
5. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA who is also a member of the Planning Commission or the Village Council shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Village Council. However, the member may consider and vote on other unrelated matters involving the

same property.

Section 8.6 Interpretations

A. Authority: The ZBA shall hear and decide upon requests to 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, including the determination of the precise location of the boundary lines between zoning districts, application of off-street parking requirements for a specific use, and whether a particular use is authorized in a particular district.

B. Standards: In deciding on an interpretation, the ZBA shall be guided by the following:

1. An interpretation shall be consistent with the intent and purpose of the Ordinance and the specific Article in which the language in question is contained.
2. A text interpretation shall apply to the specific provision for which the interpretation is requested, and shall not extend to matters beyond such specific provision.
3. A zoning district boundary interpretation shall be guided by Section 3.4.
4. All interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
5. Prior to deciding a request for an interpretation, the ZBA may confer with Village staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.

C. Procedures:

1. Application Requirements: A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to make an interpretation.
    a. A decision providing an interpretation may be accompanied by a recommendation to the Planning Commission for consideration of an amendment of the Ordinance to address what the ZBA may find is a problematic aspect of the Ordinance.

Section 8.7 Variances

A. Authority: The ZBA shall have the power to authorize specific variances from specific site development standards of this Ordinance, such as lot area and width requirements, building height and setback requirements, yard width and depth requirements, lot depth to width ratio requirements, off-street parking and loading space requirements, and sign requirements. The ZBA shall not have the power to authorize variances pertaining to permitted uses of land in a District.

B. Standards: The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That the practical difficulty or special circumstance is not a result of the actions of the applicant.
3. That the variance will relate only to property described in the variance application.
4. That the variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause a substantial adverse effect upon surrounding property including

property values and the development, use and enjoyment of property in the neighborhood or District.

6. That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

C. Procedures

1. Application Requirements: Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, elevation drawing or similar drawing prepared by a registered land surveyor or registered engineer that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures, and the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may choose to submit to demonstrate conformance with the standards of subsection (B) above. A minimum of seven (7) copies of the completed application shall be submitted along with any application fees.
2. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. Decision: The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
   a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. In the case where the ZBA prescribes such conditions, the ZBA may require that a performance guarantee be furnished to ensure compliance with such conditions, according to Section 2.6. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Article 20 (Supplemental Provisions) regarding conditional approvals.
   b. A variance shall become null and void unless the construction authorized by such variance has been commenced within one-hundred eighty (180) days after the granting of the variance, and there is a continuous good faith intention to continue construction to completion. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
   c. No application for a variance that has been acted upon shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA.

Section 8.8 Review by Circuit Court

A. Circuit Court Review: The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The Circuit Court shall review the record and decision of the ZBA to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the ZBA.

End of Article 8

Article 9
ZONING MAP and TEXT AMENDMENTS

Section 9.1 Purpose

This Article establishes procedures for the review and action on amendment petitions. Amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error; to address changed or changing conditions including in a particular area in the Village; to institute new or modified measures or standards to ensure the public health, safety and welfare; to conform with the Master Plan and/or other ordinances of the Village; and to meet a public need for new or additional land uses in appropriate locations.

Section 9.2 Initiation of Amendments

Petitions for amendments may be initiated by the Village Council or Planning Commission, by its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Village Council may approve an amendment to this Ordinance.

Section 9.3 Procedures

A. Application, Distribution and Data: A petitioner shall submit twelve (12) copies of a completed application to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Village Council, and other agencies or individuals selected to review such petitions including but not necessarily limited to Village departments, staff, and consultants.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
   a. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing the property's location, right-of-ways and easements within and adjacent to the property, and north orientation.
   b. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
   c. A description of the site's features including acreage and road frontage; adjacent road right-of-ways; easements including their location, purpose and width; utility services to or adjacent to the property and their location; existing structures and buildings; topographic conditions; and the presence of wetlands, water bodies, and drainage courses.
   d. The desired change and reasons for such change.
   e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Planning Commission Action

1. Public Hearing: The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactorily complete, the Planning Commission shall establish a date for a public hearing on the application and hold such hearing. Notice of the public hearing shall comply with Section 2.11. Any application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. Planning Commission Review for Text Amendments: If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but need not be limited to, the following:
   a. Is the petition supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
   b. Is the petition supported by reference materials, planning and zoning publications, seminar materials, or experiences of other communities to more effectively address certain zoning issues?
   c. Is the petition supported by significant case law?
   d. Will the petition correct an inequitable situation created by this Ordinance rather than merely grant special privileges?
   e. Is the petition in accordance with the purpose of this Ordinance?

3. Planning Commission Review for Map Amendments: If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but need not be limited to, the following:
   a. What, if any, identifiable conditions related to the petition have changed which justify the proposed zoning district change including trends in land development in the vicinity?
   b. What is the impact of the zoning district change on the ability of the Village and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed zoning district change is adopted?
   c. Will the petitioned district change adversely affect the value of the surrounding land?
   d. Is the site's environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
   e. Can the subject parcel comply with all requirements of the proposed zoning district?
   f. Is the subject property able to be put to reasonable economic use in the zoning district in which it is presently located?
   g. Is the proposed district consistent with the zoning classification of surrounding land?
   h. Does the proposed district change generally comply with the Master Plan?
   i Is the proposed district change in accordance with the purpose of this Ordinance?
   j. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
4. Planning Commission Recommendation: Following the hearing, the Planning Commission shall transmit a summary of comments received at the hearing to the Village Council, along with its recommended action on the petition. The Planning Commission shall also transmit the proposed amendments, and its recommended action on the petition, to the Cass County Planning Commission.

C. Village Council Action

1. After receiving the findings and recommendations of the Planning Commission, the Village Council at any regular meeting or at any special meeting called for that purpose, shall consider said findings and recommendations. The Village Council may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Village Council, and may direct the Planning Commission to hold a public hearing on any proposed changes identified by the Village Council. The Village Council may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Village Council.
   a. The Village Council shall not take action on a petition prior to receiving the advisory comments of the Cass County Planning Commission, except that if the Village Council has not received the Cass County Planning Commission's comments within thirty (30) days of the submittal by the Village Planning Commission to the Cass County Planning Commission, the Village Council need not delay taking action on the petition.
   b. The Village Council may hold additional public hearings if the Village Council considers it necessary. The Village Council shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request to be heard. Such written request shall take the form of a certified mail letter from the property owner to the Village Clerk. A hearing under this subsection (a) is not subject to the notice requirements of Section 2.11, except that notice of the hearing shall be given to the interested property owner according to Section 2.11(A) and (C). The Village Council may require the property owner to justify the property owner's interest on which the additional hearing request is based.

D. Publication of Notice of Ordinance Amendments: Following adoption of amendments by ordinance by the Village Council, the amendment ordinance shall be filed with the Village Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. Promptly following adoption of an amendment ordinance by the Village Council, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Village Clerk for the purpose of receiving such notices. The adoption notice shall provide either a summary of the regulatory effect of the amendments including the geographic area affected, or the text of the amendment, and the effective date of the amendment ordinance and the place and time where a copy of the amendment ordinance may be purchased or inspected.

1. Effective Date: The effective date of an amendment ordinance shall be the expiration of eight (8) days after publication of the notice of adoption as provided in (D) above except where the Village Council expressly provides for a greater number of days.

Section 9.4 Resubmittal

No petition for an amendment that has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid.

Section 9.5 Conditional Rezoning

A. Intent: It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, as amended, by which a property owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Offer of Conditions and Application Process: A property owner may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time in writing during the rezoning process. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section 9.5.

1. A property owner shall not be required to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a property owner's rights under this ordinance.
2. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the property owner. A property owner may withdraw all or part of the offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Limitations on Conditions

1. No use or structure may be authorized in association with a conditional rezoning that is otherwise prohibited in the respective district or classified as a special land use.
2. No conditional rezoning shall serve as plot plan or site plan approval, and no construction shall be initiated following a conditional approval except upon the approval of a plot plan or site plan and the issuance of a zoning permit.
3. No conditional rezoning shall constitute an approval of a variance from the standards of this Ordinance. Development that is to rely on the issuance of one or more variances shall be subject to Zoning Board of Appeals action prior to the seeking of plot plan or site plan approval.

D. Planning Commission and Village Council Review and Action

The Planning Commission and the Village Council shall review and act on the conditional rezoning according to Section 9.3. Approval of a conditional rezoning shall comply with subsection (E) below.

E. Approval

1. Statement of Conditions. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the property owner and conforming in form to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning. The Statement of Conditions shall:
   a. Be in a form recordable with the Cass County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the property owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
   b. Contain a legal description of the land to which it pertains.
   c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
   d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the property owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the Cass County Register of Deeds.
f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

2. Zoning Map. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
3. Filing with the Register of Deeds. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the Cass County Register of Deeds. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
4. Effect of Approval. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions

1. Failure to Comply. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. Permits. No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use: The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Village Council if it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and the Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other districts or uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning: If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (G) above, the land shall revert to its former zoning classification. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land: When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection (H) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the property owner's written request, the Village Clerk shall record with the Cass County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions: During the time period for commencement of an approved development or use specified pursuant to subsection (G) above or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended only after a public hearing on such proposed amendments and according to the same procedures specified in this Section 9.5 for the original rezoning and Statement of Conditions.

K. Village Right to Rezone: Nothing in the Statement of Conditions or the provisions of this Section 9.5 shall be deemed to prohibit the Village from rezoning all or a portion of land that is subject to a Statement of Conditions to another zoning classification provided there is conformance to the procedures of this Article.

End of Article 9

Article 10

(Reserved for Future Use)

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End of Article 10

Article 11
NONCONFORMING LOTS, USES and STRUCTURES

Section 11.1 Purpose

It is recognized that there exists lots, structures and uses within the Districts of this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendment. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

Section 11.2 Nonconforming Lots

A. Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot of record in existence on or before the date of adoption or amendment of this Ordinance, where such use is an authorized "use permitted by right" in said District according to Tables 3-2 and 3-3 of Article 3, even though such lot fails to meet the requirements for area, width, and/or frontage that are applicable in the District. The following additional provisions shall apply:

1. All yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the District in which such lot is located unless a variance is obtained through approval of the Zoning Board of Appeals according to Article 8. This subsection (1) shall not be construed to approve or authorize any instances of noncompliance with area, width and/or frontage standards except existing nonconforming conditions.
2. If two or more lots or combinations of lots and portions of lots, share continuous frontage and share a common side lot line or portion thereof, and are in single ownership of record at the time of passage or amendment of this Ordinance as recorded in the County Register of Deeds, and if all or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved shall be considered to be an undivided lot for the purposes of this Ordinance. No portion of said lot shall be used or divided in a manner that diminishes compliance with the area, width and frontage requirements of this Ordinance.

Section 11.3 Nonconforming Uses

A. Where, on the date of adoption or amendment of this Ordinance, a lawful use exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming use shall be enlarged or increased in area or bulk or in the number of structures and buildings, or moved or extended to occupy a greater area of land, than as existed on the date of adoption or amendment of this Ordinance.
   a. A nonconforming use shall not be extended throughout any portion of a building in which it is located irrespective of whether such portion was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance.
2. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
3. Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such use is located, and a nonconforming use may not thereafter be resumed or otherwise established.
4. If a nonconforming use of any building, structure, land or premises or part thereof ceases for any reason for a period of more than one (1) year, or where the use is destroyed to an extent of more than 50% of its replacement value, the subsequent use of the property shall thereafter conform to the regulations and provisions of this Ordinance for the respective District. Conditions that shall be considered in determining the cessation of a nonconforming use shall include, but need not be limited to, disconnection of utilities, the property has fallen into a state of disrepair, and the removal of equipment necessary for such use.
5. No nonconforming use may be changed to another nonconforming use except upon approval of the Zoning Board of Appeals, upon finding that such change in use will be more conforming to the intent of the district in which it is located than the existing nonconforming use. In making such a determination, the Zoning Board of Appeals shall consider the anticipated change in intensity of use including vehicular and pedestrian traffic, hours of operation, and other aspects of the proposed use.

6. In the case where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, all subsequent uses and structures on the land shall conform to the respective District regulations.

Section 11.4 Nonconforming Structures

A. Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, setbacks, yards or other characteristics of the structure or location on the lot, such structure may be continued provided it remains otherwise lawful, subject to the following provisions:

1. No nonconforming structure may be enlarged or altered so as to increase its nonconformity, such as in the case of a building's height or the cubic content of the portion of the building encroaching into a required setback.
2. Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the site development standards for the respective District. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. A nonconforming structure may undergo ordinary repairs and maintenance, including the repair and refurbishing of wall exteriors, fixtures, wiring or plumbing, provided there is compliance with subsections (a) – (c) below. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.
   a. The nonconformity existing at the time of Ordinance adoption or amendment shall not be increased, including the cubic content of any nonconforming portion of such structure.
   b. No structural alterations shall be undertaken, as in the case of load-bearing walls.
   c. The cost of such repairs shall not exceed twenty percent (20%) of the structure's replacement cost, exclusive of foundations, during a single calendar year.

Section 11.5 District Changes

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District, the provisions of this Article shall also apply to any existing lots, uses and structures that become nonconforming as a result of the boundary change.

Section 11.6 Illegal Nonconformities

Nonconforming lots, uses and structures existing on the effective date of this Ordinance or amendment thereto, that were established without the lawfully required procedures and approvals at such time of establishment, shall be declared illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities by this Article.

End of Article 11

Article 12
OFF-STREET PARKING and LOADING

Section 12.1 Purpose

It is the purpose of this Article to establish standards and requirements to ensure that appropriate parking and circulation shall be adequately provided and maintained on each lot in every District for the off-street parking of motor vehicles as may be necessary, including in association with employees and patrons, ingress, egress, and the receiving and distribution of goods. It is the purpose of this Article to prevent hazards and undue interferences among and between vehicles and pedestrians, and adjacent land uses, and protect the public health, safety and welfare.

Section 12.2 General Requirements

A. Fractional Space: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

B. Requirements for a Use Not Mentioned: In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. This determination shall be made during site plan review proceedings.

C. Use of Off-Street Parking Areas: Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, storage, selling or any other activity shall be conducted in an off-street parking area except as may be authorized as part of site plan approval proceedings or other approval under this Ordinance.

D. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity according to Section 12.04.

E. Decrease in Parking Areas: No off-street parking area that exists on the date of adoption of this Ordinance or which is provided subsequent thereto, for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article.

F. Location of Parking Lots: All off-street parking areas shall be located on the same lot, or on the adjacent premises on the same side of the road and in the same District as the use they are intended to serve.

1. Maximum Distances: No off-street parking lot shall be located more than 300 feet from the use it is intended to served, as measured from the nearest point of the building to the nearest point of the off-street parking lot, except that such maximum distance shall be one-hundred fifty (150) feet in the case of a single family and two-family dwelling. The site plan approving body may approve a greater separation distance upon a finding by the site plan approving body that, within the context of the specific use and anticipated vehicle and pedestrian patterns, no practical alternative is available and a greater distance shall not encourage excessive traffic in nearby residential areas or otherwise undermine public safety for pedestrians and motorists.

G. Joint Use of Parking Lots: The joint use of parking facilities by two (2) or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements of this Article are met.

1. Computing Capacities: In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements by the site plan approving body. Such reduction shall not exceed thirty percent (30%).
2. Record of Agreement: A copy of a proposed agreement between joint users, when the joint uses are located on separate lots, shall be filed with the application for a zoning permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the Village.

H. Barrier-Free Parking Spaces: Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

I. Zoning Permit Required: No parking lot shall be constructed prior to the issuance of a zoning permit by the Zoning Administrator for such parking lot, upon the submittal of a plot plan or site plan as applicable.

Section 12.3 Site Development Requirements for Off-Street Parking

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles.

B. Access and Driveways:

1. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided. A driveway shall not be used for off-street parking except where specifically designed to accommodate such parking and approved during site plan review proceedings.
2. Two-way drives for ingress and egress to a parking lot shall be not less than twenty-four (24) feet wide and no greater than thirty-six (36) feet wide, except upon a determination by the site plan approving body that a greater width is necessary to adequately accommodate the anticipated traffic levels and/or type of vehicle traffic. All turning radii shall comfortably accommodate vehicle turning patterns.
3. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any lot line, fifty (50) from another driveway, and seventy-five (75) feet from an intersection. The site plan approving body may modify these standards as applied to a specific site plan upon finding that such modification shall not unreasonably impact adjacent lots or otherwise undermine public health, safety and welfare.
4. Ingress and egress to a parking lot serving a non-residential use shall not cross land on a separate lot in a Residential District.

C. Surface: All required off-street parking areas intended to accommodate four (4) or more spaces, including aisles and driveways, shall be paved with concrete, bituminous asphalt or similar material approved by the site plan approving body including materials specifically designed to enhance runoff infiltration. The site plan approving body may waive this requirement in the case of a lot outside of a Commercial or Industrial District upon its determination that such paving is not in character with the surrounding and intended land use pattern, the lack of paving will not cause a dust or noise nuisance to current and future residents, and the nature of the use generates comparatively low traffic volumes on a day-to-day basis. Paved parking spaces shall be marked with striping.

D. Drainage: All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent increased rates of runoff onto abutting properties and public roads.

E. Location/Setback:

1. Side and Rear Yard/Setbacks: Off-street parking lots are permitted in a side and rear yard and shall be set back a minimum distance of twenty (20) feet where the abutting yard is in a Residential District and ten (10) feet where the abutting yard is not in a Residential District, except as follows:
   a. Off-street parking lots in a C-1 District shall be set back a minimum distance of five (5) feet where the abutting yard is not in a Residential District.
2. Front Yard/Setbacks:
   a. Except as provided by subsection (b) below, off-street parking lots shall comply with the required front yard setback for the principal building in the District but in no case shall the setback be less than twenty (20) feet.
   b. Within a Commercial or Industrial District, no off-street parking lot shall be located in a front yard where such front yard has frontage along State St. between Water Street and Maple Street.
3. Building Setback: Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang.

F. Lighting: Required off-street parking areas shall be provided adequate light levels to enable pedestrians to safely move through such areas during hours when the use is operational. All lighting shall comply with Section 20.21.

G. Parking Spaces and Maneuvering Lanes: Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. The layout of off-street parking areas shall comply with the following minimum standards:

NP = Not Permitted

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0º (Parallel)	12 ft.	24 ft.	9 ft.	22 ft.
30ºº	13 ft.	NP	9 ft.	18 ft.
60º	18 ft.	NP	9 ft.	18 ft.
90º	22 ft.	22 ft.	9 ft.	18 ft.

H. Service Drives and Connections to Adjacent Parking Areas: To minimize traffic hazards and congestion and protect the public health, safety and welfare through appropriate access management, the site plan approving body may require the development of a lot in a Commercial or Industrial District to include one (1) or both of the following improvements, where practical and feasible:

1. Off-street parking areas shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent lots to minimize the necessity for additional curb cuts onto public roads to gain access to such adjacent lots or businesses.
2. Off-street parking areas shall include a service drive across the front or rear of the respective lot to collect traffic from parking areas and funnel the traffic to one or more curb cuts along a public road, so as to reduce the number of curb cuts that would otherwise be required if each parking area accessed the public road. Such service drives shall be designed to afford connections to existing or potential service drives on adjacent lots.

I. Number of Spaces: See Section 12.4.

J. Landscaping and Screening: See Article 13, including provisions regarding parking lot islands.

Section 12.4 Parking Space Requirements

A. Compliance with Required Number of Parking Spaces:

1. Required Spaces: The minimum number of off-street parking spaces to be provided on each lot shall be as specified in this Section according to land use type. Where a lot is comprised of multiple uses, such as in the case of a motel with a restaurant or a building comprised of office and retail tenants, the total number of spaces to be provided shall be the sum of all of the individual uses except as may be otherwise provided by the Article.
2. Waivers: Where it can be demonstrated according to the discretion of the site plan approving body that the parking requirements of this Section would result in more parking spaces than are necessary for the parking needs of a particular use, the site plan approving body may approve a parking plan with fewer spaces than required by this Section according to the following requirements:
   a. The applicant shall provide written evidence to the site plan approving body that the parking proposed on the site for the specific use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift. Such evidence may consist of: arrangements for nearby shared parking, evidence that the proposed use will also be patronized by pedestrians, evidence from the parking history of the proposed use or a use similar to the proposed use at other locations, or that there is sufficient designated parking within the road right-of-way and such designated parking is authorized by the governmental entity having jurisdiction over the road right-of-way and the use of such right-of-way will not result in a visible increase in traffic congestion or traffic hazards.
      1) In no case shall the site plan approving body approve a reduction in the number of parking spaces of greater than thirty percent (30%).
   b. If a plan is approved to allow fewer parking spaces than required by this Section, such parking plan shall only apply to the stated use. All other uses shall comply with the requirements of this Section.
   c. The site plan approving body may require a reserved parking area on the lot for possible future use, and the site plan approving body may subsequently require the applicant to construct such parking spaces on the lot if the site plan approving body finds that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within six (6) months of such determination. The

approved site plan shall clearly identify the location of this reserve parking area including the configuration of potential parking spaces and aisles, and no buildings, structures, or similar permanent-type improvements shall be established in the reserve parking area.

B. Residential Uses:

1. One and Two Family Dwellings: Two (2) spaces for each single family dwelling unit.
2. Multiple Family Dwellings: Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. Assisted Living Facilities and Group Homes (adult foster care): One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.
4. Senior Independent Housing: One (1) space per living unit.

C. Commercial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Lodging
   a. **Bed and Breakfast:** One (1) space for each rental room.
   b. **Motels and Hotels:** One (1) space for each sleeping unit.
2. Recreation
   a. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs:** One (1) space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
   b. **Bowling Alleys:** Three (3) spaces for each alley.
   c. **Miniature Golf Courses:** Two (2) spaces for each hole.
   d. **Par 3 Golf Courses:** Three (3) spaces for each hole.
   e. **Par 4 or Greater Golf Courses:** Four (4) spaces for each hole.
   f. **Roller Skating Rinks and Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
3. Care Facilities
   a. **Hospital:** One (1) space for each two (2) beds.
   b. **Medical Clinics:** Two (2) spaces for each examination or treatment room plus one (1) space for each one-hundred (100) sq. ft. of waiting room area.
   c. **Nursing Facility, Convalescent Home, and Home for the Aged:** One (1) space for each four (4) beds.
4. Retail Sales
   a. **Automobile or Machinery Sales:** One (1) space for each 200 sq. ft. of usable floor area. Spaces used for storage of vehicles for sale, and vehicle service and repair, shall not be used to meet parking requirements.
   b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales.** One (1) space per eight-hundred (800) square feet of usable floor area.
   c. **Service Stations:** Two (2) spaces for each repair and service stall and one (1) space for every two-hundred (200) sq. ft. of usable floor area exclusive of stall areas. Service stalls and gas pump stations shall not be considered a parking space.
   d. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every three (3) seats and twenty (20) sq. ft. of floor area devoted to placing orders, plus sufficient area for eight (8) stacking spaces for drive-through windows.
   e. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 sq. ft. of usable floor area plus sufficient area for eight (8) stacking spaces for drive-through windows.
   f. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) sq. ft. of usable floor area, provided a minimum of five (5) spaces are provided.
   g. **Taverns, Bars, and Other Restaurants:** One (1) space for every three (3) seats provided plus one (1) additional space for each one-hundred (100) sq. ft. of standing room available to customers.
   h. **Supermarket, Convenience Store, Self-Service Food Store:** One (1) space for every two-hundred (200) sq. ft. of useable floor area.
   i. **Retail Stores and Facilities (not otherwise specified above):** One (1) space for every one-hundred fifty (150) sq. ft. of usable floor area.

5. Offices and Services Not Addressed Above
   a. **Banks and Financial Institutions:** One (1) parking space for every 200 sq. ft. of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
   b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each chair and other treatment station.
   c. **Car Wash, Automatic:** For those systems that do not operate as a continuous system accommodating multiple vehicles at a single time, reserve parking or storage for eighty percent (80%) of the manufacture's hourly rated capacity for the system in use shall be required. For those systems that operate as a continuous system accommodating multiple vehicles at a single time, reserve parking or storage for fifty percent (50%) percent of the manufacture's hourly rated capacity for the system in use shall be required. The capacity of the awaiting lines shall be determined by dividing the awaiting wash line length by twenty (20) feet.
   d. **Car Wash, Self-Service:** Awaiting wash line(s) of a length capable of accommodating up to three (3) times the maximum number of vehicles able to be undergoing some phase of washing at the same time. The capacity of the awaiting lines shall be determined by dividing the awaiting wash line length by twenty (20) feet.
   e. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 sq. ft. of usable floor space or one (1) space for each seven enrolled persons, whichever is greater, and a drop-off area capable of accommodating six (6) vehicles.
   f. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) sq. ft. of floor area of chapels and assembly rooms.
   g. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
   h. **Laundromat:** One (1) space for every two (2) washing or drying machines.
   i. **Offices and Professional:** One (1) space for every two hundred (200) sq. ft. of usable floor area.
   j. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.
   k. **Vehicle Service/Repair:** Two (2) spaces for each service bay, but not less than six (6) spaces.

D. Industrial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Industrial or Manufacturing Establishments:** One (1) space for every two-thousand (2,000) sq. ft. of floor area.
2. **Warehouses, Wholesale Facilities:** One (1) space for every one-thousand (1,000) sq. ft. of floor area.

E. Other Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Religious Institutions:** One (1) space for each four (4) seats or six (6) linear feet of pew or bench seating in the main unit of worship.
2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, whichever is greater.
3. **Private Civic Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
4. **Elementary and Middle Schools:** One (1) space for each thirty (30) students (based on the capacity of the facility as determined by the Fire Chief), plus one (1) space for every four (4) seats where the school contains an auditorium, stadium and/or gym.
5. **High Schools:** One (1) space for each ten (10) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium, stadium and/or gym.
6. **Libraries and Museums:** One (1) space for every four hundred (400) sq. ft. of floor area.
7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats or five (5) linear feet of bench seating, and one (1) additional space for one hundred (100) sq. ft. available to accommodate additional attendees not otherwise restricted to a fixed seating area.

Section 12.5 Loading and Unloading Space Requirements

A. Location: Loading space required under this Section shall be provided on the same lot that it is intended to serve and shall be an area in addition to the off-street parking space required under Section 12.4.

B. Space and Material Requirements: There shall be provided an adequate space for standing, loading, and unloading services, of a concrete, bituminous asphalt or similar surface material approved by the site plan approving body including materials specifically designed to enhance runoff infiltration. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided as follows:

Gross Floor Area	Spaces Required
Up to 5,000 sq. ft. of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 20,000 sq. ft. of gross floor area:	1 space.
20,001 to 100,000 sq. ft. of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 20,000 sq. ft.
100,001 or more sq. ft. of gross floor area:	5 spaces, plus 1 space per each 100,000 sq. ft. of gross floor area, or fraction thereof, in excess of the first 200,000 sq. ft.

C. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering as well as adequate ingress and egress to and from the road or alley.

D. Screening: Where the site plan approving body determines that the landscaping/screening requirements of Article 13 do not adequately screen loading/unloading areas from adjacent pubic roads, from adjacent residential property and/or from an adjacent lot within a different District, the site plan approving body may require additional screening measures to minimize visual and/or noise impacts

E. Location:

1. Designated loading-unloading spaces shall not be located in a front yard.
2. Loading-unloading spaces shall not be located in a required side or rear yard setback except where such yard adjoins a Commercial or Industrial District, but in no case shall such loading-unloading area be located within ten (10) feet of the lot line.
3. In no case shall loading-unloading spaces be located closer than twenty-five (25) feet to a lot used for residential purposes.

End of Article 12

Article 13
LANDSCAPING and SCREENING

Section 13.1 Purpose

It is the purpose of this Article is to establish standards and requirements to assure adequate landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between differing uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole.

Section 13.2 Uses Subject to This Article

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 6, Site Plan Review, and any other use so specified in this Ordinance. In the case of the expansion of a use that is subject to site plan approval, where the expansion exceeds five-hundred (500) sq. ft. or the additional of five (5) or more parking spaces, the standards of this Article shall be applied to the area of the lot subject to such modifications, according to the reasonable discretion of the site plan approving body. This Article shall not apply to single family and two-family dwellings.

Section 13.3 Landscape Plan Required

A. Landscape Plan Required/Contents: A landscape plan is required to be submitted as part of a site plan. The plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas and other areas intended to be grassed or otherwise vegetated including planting beds. The landscape plan shall include, but not necessarily be limited to, the clear delineation of the following:

1. Proposed plant location, spacing, size, common and botanical name, and growth habit of each plant type proposed.
2. Identification of grass and other proposed ground cover, including common and botanical name.
3. Existing and proposed contours.
4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including significant construction details to resolve specific site conditions such as tree wells to preserve existing trees.
5. Identification of existing trees and vegetative cover to be preserved.

Section 13.4 Buffer/Landscape Areas

A. Side and Rear Yard Buffer/Landscape Areas: A buffer/landscape area shall be established along all side and rear lot lines. The buffer area shall not be used for off-street parking, storage or used in any other manner except for the purposes of a buffer.

1. The buffer/landscape area shall extend from the respective lot line for a minimum width equal to the required setback for the principal building, except that the minimum buffer/landscape width for a lot in a Commercial or Industrial District shall be ten (10) feet where the yard abuts a lot in a Commercial or Industrial District and twenty (20) feet in width in all other cases.
2. The buffer/landscape area shall be planted and maintained with evergreen trees such as spruce, pines, or firs, and deciduous trees. While such plantings need not be evenly spaced, the trees shall be provided at a rate of at least one (1) evergreen tree per forty (40) linear feet and one (1) deciduous tree per fifty (50) linear feet. At the time of their planting, evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height. Where a wall or fence is part of the buffer/landscape area, a minimum of fifty percent (50%) of the required plantings shall be located on the exterior side of such wall or fence.
3. The site pan approving body may require the erection of a berm, fence and/or wall where the abutting yard is in a Residential District and such measures are determined necessary to adequately mitigate negative impacts.

B. Front Yard Buffer/Landscape Areas: A buffer/landscape area shall be established along all front lot lines including on a corner lot. The area shall not be used for off-street parking, storage or in any other manner except for the purposes of a buffer/landscape area.

1. The buffer/landscape area shall extend from the respective lot line for a minimum width equal to the setback for the principal building on the lot, except that the minimum buffer/landscape width in Commercial Districts shall be twenty (20) feet. The buffer/landscape area shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 13.4(A)(3) above for each fifty (50) lineal feet, or portion thereof, of frontage adjoining the road right-of-way. The remainder of the front yard buffer/landscape area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways through required buffer/landscape areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

Section 13.5 Parking Lot Landscaping and Screening

A. Perimeter Landscaping/Screening

1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces or fifty (50) linear feet of parking lot edge, whichever is greater. Such trees shall be located within parking islands or within ten (10) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be maintained between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking lot contains ten (10) or more parking spaces and is within one hundred (100) feet of a Residential District, or public road, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All berms and plant material, either individually or in combination, shall be of such height and spacing to provide a minimum fifty percent (50%) screen of the parking lot border to a minimum height of three (3) feet at the time of berm and plant material installation. Shrub materials shall be of evergreen or otherwise densely-branched screening character.

B. Landscape Islands

1. When/Where Required: In the case of parking lots that have a capacity of twenty (20) or more vehicles, landscape islands shall be employed in the following manner:
   a. To prohibit a continuous row of parked cars exceeding ten (10) in number.
   b. At the terminus of a row of parked cars around which vehicles will travel to access another parking aisle or an egress/ingress driveway.
2. Construction Standards:
   a. Landscape islands shall be a minimum of five (5) feet in width with appropriate radii to facilitate vehicle movement around the islands.
   b. Landscape islands shall have raised curbing around their perimeter or other design feature to prohibit vehicles from encroaching into the island.

C. Refuse Container Screening: Refuse containers shall be screened from view. Screening shall consist of a minimum six (6) foot high opaque wall or fence.

Section 13.6 Additional Tree Plantings

In addition to the other landscaping and screening required by this Article, a minimum of one (1) additional tree shall be planted for each two thousand (2,000) square feet, or portion thereof, of impervious surface to be established on the lot including paved and gravel surfaces and buildings. Plantings may be uniformly spaced, clustered, and/or randomly scattered. At the time of their planting, evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall have a caliper of at least two (2) inches, measured five (5) feet above the ground surface, and be a minimum of ten (10) feet in height.

Section 13.7 Minimum Standards of Landscape Elements

A. Quality and Composition: Plant material shall be free of insects and diseases, and hardy to the climate. Plant species which are generally considered undesirable due to comparatively low disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, and willows, are prohibited unless specifically authorized by the site plan approving body based on the manner in which the plant material is to be used or located. A mixture of plant material shall be required to protect against insect and disease infestation. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any plant material requirements.

B. Existing Trees: If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques such as fencing, placed at the dripline around the perimeter of the plant material, shall be indicated on the site plan. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the site plan approving body, the applicant shall replace them with trees that meet Ordinance requirements. Such replacement trees shall be planted at a rate of one (1) tree per two (2) inches of tree caliper of the tree cut down, damaged, or otherwise destroyed.

C. Berms: Berms shall be designed and landscaped to minimize erosion. Berms shall have a slope no greater than a 3:1 horizontal to-vertical ratio unless designed as part of a retaining wall.

D. Ground Cover: Grass or other living plants shall be primary ground cover in required landscape/buffer areas.

E. Fencing and Walls: All required fencing and walls shall comply with the following:

1. General Construction: All required fencing and walls shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character, and shall be constructed of durable, weather-resistant, rustproof materials. The finished side of fencing shall face abutting properties.
2. Masonry Walls: Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below grade, and shall be not less than four (4) inches wider than the wall to be erected. Masonry walls may be constructed with openings above three (3) feet above the ground below, provided such openings are not larger than sixty-four (64) square inches and that the openings shall be so spaced as to maintain the intended obscuring character of the wall.

F. Site Plan: Site plans shall include all necessary construction details to illustrate compliance with the requirements of this Section.

Section 13.8 Installation, Maintenance and Completion

All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Zoning Administrator that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures. All plant material shall be maintained in a healthy condition, and free of refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Section 13.9 Waivers and Modifications

A. Authority to Waive or Modify Requirements: Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body makes a finding that identifies characteristics of the site, site modifications or site vicinity that would make required landscaping, buffer areas, fencing, walls, or screening unnecessary, inappropriate, or ineffective.

1. Examples: Examples of conditions that may warrant waivers and/or modifications include:
   a. The reliance on existing protected vegetated areas that serve as a screen due to their particular location and character.
   b. The waiving or modification of provisions where a proposed building in the C-1 District is to be in the immediate area of the State St. right-of-way and a front yard landscape area may not be appropriate or may otherwise interfere with pedestrian traffic and existing or planned streetscape improvements along the State St. corridor.
   c. Applying the landscaping and screening provisions to only that portion of the lot to be developed In the case of a large lot where only a comparatively small portion of the lot is to be developed.

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End of Article 13

Article 14
ENVIRONMENTAL PROTECTION

Section 14.1 Purpose

The purpose of this Article is to promote a healthy environment as it relates to the Village's natural resources and sensitive ecosystems, and the provision of adequate sewage disposal and potable water.

Section 14.2 Natural Resources, General

A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall conform to the provisions of this Ordinance and all local, county, state and federal rules and regulations including, but not limited to fire safety and emergency vehicle access requirements of the State Construction Code and State Fire Marshall; requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, use and disturbances to wetlands, fills in or near water bodies or in flood plains, stream crossings, discharges into the air, surface or ground waters, and land, and waste disposal; regulations pertaining to the loading/unloading, transport, storage, use and/or disposal of hazardous substances including fuels and other flammable liquids; and the requirements of the County Health Department and Drain Commissioner.

B. Sensitive Lands:

1. Site Development: Where a portion of a lot is characterized by sensitive or fragile environmental features, including wetlands, hydric soils, or flood plains, new development on the lot shall only occur on those portions of the lot void of such features where reasonably feasible. Where not reasonably feasible, new development shall comply with all county, state and federal laws, rules and permit and approval requirements.
2. Permits: Except where required to do so by state or federal law, the Village shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permit.
3. Mitigation: The Village may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

C. Clearing of Top Soil, Grading, and Drainage:

1. Removal of Topsoil: Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas, except where expressly authorized as part of an approved site plan. “Disturbed areas” shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. This subsection (1) shall not apply in the case of a single family or two-family dwelling for which a zoning permit and building permit has been issued, provided the topsoil to be removed is limited to the immediate area of the proposed site improvements according to the approved plot plat.
2. Drainage/Flow Restrictions:
   a. Temporary and permanent ground elevations surrounding a building and structure shall be designed and landscaped such that surface waters flow away from the building or structure.
   b. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.
   c. See Article 14 regarding storm water management.

Section 14.3 Airborne Emissions

A. General: Airborne emissions shall comply with federal and state rules and regulations including rules and regulations pertaining to smoke, dust, dirt, and ash. In the absence of rules and regulations as applied to a specific use or activity on a lot, the requirements of this Section shall apply.

B. Smoke: No person shall cause or permit the discharge of smoke into the atmosphere from any single source of emission, of a density equal to or darker than No. 2 of the Ringelmann chart, or other density measure correlated to the Ringelmann chart, except as follows:

1. Smoke of a density equal to but not darker than No. 2 on the Ringelmann chart may be emitted for not more than three (3) minutes in any 30-minute period.
2. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than three (3) minutes in any 60-minute period, but such emissions at a rate greater than three (3) occasions during any 24-hour period are prohibited.

C. Dust, Dirt and Fly Ash: No person shall operate, maintain, or cause to be operated or maintained any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, except according to recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device, so that the quantity of gas-borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

1. Method of Measurement: For the purpose of determining the adequacy of such devices, there shall be compliance with the above-referenced conditions when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirements shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air. Documentation shall be provided that demonstrates that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash are to be implemented.

Section 14.4 Potable Water and Sewage Disposal

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, or institutional purposes shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the County Health Department as well as those of other applicable local, county, state, and federal agencies.

Section 14.5 Vibration

The operation of any land use including equipment and devices associated therewith, that creates vibrations that are typically discernible by human senses at or beyond the lot line of the source, is prohibited. For the purposes of this Section, “typically discernible by human senses” means vibrational motion of such character to cause a person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

Section 14.6 Glare, Heat and Radiation

A. Glare and Heat: Any operation which produces glare or heat, including arc welding and acetylene torch cutting, shall be conducted within an enclosed building or other enclosure so as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of glare or heat is located.

B. Radiation: Radiation associated with radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not exceed quantities established as safe by the U.S. Bureau of Standards, measured at the property line.

Section 14.7 Odors

No land use, activity or operation shall result in the creation of odors of such intensity and/or character as to be detrimental to the health and welfare of the public or otherwise interfere with the general comfort of the public. This Section shall not prohibit agricultural operations in compliance with the Generally Accepted Agricultural Management Practices.

Section 14.8 Noise

A. Standards and Limitations: The use of any lot shall not cause the emittance of sound from any source or combination of sources, which when measured in accordance with the procedure described herein, exceeds the sound level limits in Table 14.8-1 below.

1. Measurement of sound level shall be made using a microphone set at a height of five (5) feet along the lot line on which the sound source being measured is located.
2. A violation shall not be deemed to exist unless the sound level measured is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.
3. All measurements shall be made using a sound level meter which meets the most current requirements of the American National Standard "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

Table 14.8-1
A-Weighted Sound Level Limits (Decibels)

Duration of sound, as a percentage of any one hour period.	**Residential Districts**		**Commercial and Industrial Districts**	
	6:00 pm - 6:00 am	6:00 am - 6:00 pm	6:00 pm - 6:00 am	6:00 am - 6:00 pm
30 minutes or more:	45	50	55	65
More than 5 minutes but less than 30 minutes:	50	55	60	70
5 minutes or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

B. Exemptions: This Section shall not apply to motor vehicles registered for use on public roads, agricultural operations, home landscape maintenance machines and snow blowers that meet their respective product requirements, and the emission of sound during construction activities for a use for which a zoning permit has been issued.

Section 14.9 Natural Resource Buffer Areas

A. Definitions: For the purpose of this Section, the following words and phrases shall have the following meanings:

1. Impervious Cover: Any manmade paved, hardened or structural surface regardless of material including but not limited to rooftops, buildings, roads, decks, patios including those of a brick or stone material, swimming pools, and any concrete or asphalt.
2. Natural Feature: A wetland or watercourse.
3. Natural Feature Edge: The ordinary high water mark, except that in the case where there exists a bank along the natural feature, where the bank exceeds a slope of ten percent (10%), the natural feature edge shall be considered the top of the bank or a line thirty (30) feet from the ordinary high water mark, whichever is less.
4. Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil.
5. Watercourse: Any waterway including a river, stream, creek, lake, vernal pool, pond, or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
6. Wetlands: Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

B. Natural Feature Setback Required:

1. Buildings and Structures in Excess of Three (3) Feet in Height: Unless otherwise specified in this Ordinance, a natural features setback of sixty (60) feet shall be maintained from the natural feature edge for all buildings, and any structures in excess of three (3) feet in height above the ground below, except that where there exists one (1) or more dwellings located along such natural feature within one hundred fifty (150) feet of a side lot line of the lot on which construction is proposed, the required setback shall be the average setback of such existing dwellings, measured from the natural feature edge. However, in no case shall such natural feature setback be less than twenty-five (25) feet nor shall such setback be required to be greater than sixty (60) feet.
   a. Steps, and those portions of unroofed decks and porches with a floor surface eighteen (18) inches or less above the ground, shall not be considered in determining such average setback. Where only a portion of a dwelling is located within the one hundred fifty (150) foot measured distance, the setback of the entire dwelling shall be used for determining such average setback.
2. Structures of Three (3) Feet or Less in Height: Unless otherwise specified in this Ordinance, a minimum natural features setback of twenty-five (25) feet shall be maintained from the natural feature edge for all decks, patios, and any structures of three (3) feet or less in height above the ground below.

C. Use Restrictions within a Natural Feature Setback: Within a natural feature setback, unless and only to the extent determined to be in the public interest by the designated approving body for the development under consideration, there shall be no clearing, grubbing or stripping; no removal of vegetation; no application of fertilizers or pesticides; no dredging, grading, excavation, removal or addition of soil or filling of land; no erection or addition of structures, buildings or any other construction including concrete or asphalt paving; and no installation of any impervious cover. In addition, no vegetation cutting or removal within the natural features setback shall occur prior to all approvals from the designated approving body(s) have been obtained.

1. Determination of Public Interest: In determining whether proposed construction or operations in a natural resources setback are in the public interest, the benefit which would reasonably be expected to result from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposed project and/or operation is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following l criteria shall be applied in undertaking this balancing test:
   a. The relative extent of the public and private need for the proposed activity;
   b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity;
   c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides;
   d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities on the natural feature to be protected;
   e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health;
   f. The degree of proposed encroachment into the natural features setback, and the proximity of the proposed construction and/or operation in relation to the general natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected;

D. Exemptions: If and to the extent the Village is prohibited from regulating the proposed activity in or on the respective natural feature by its ordinances or the laws of county, state or federal government or the rules of county, state or federal agencies, regulation under this Section shall be exempted. In addition, the following activities shall be exempted from regulation under this Section provided such activities shall comply with all county, state or federal laws and the rules of county, state or federal agencies, and all necessary approvals and permits have been granted. It is not the intent of this subsection (D) to exempt regulation by other ordinances and laws applicable to the natural feature.

1. Installation of a fence.
2. Maintenance of previously established lawn areas.
3. Grading and filling necessary in order to conform to express requirements imposed by the Village.
4. Installation of docks and decks provided any portion extending through or across a wetland does not exceed ten (10) feet in width.

5. Planting of non-invasive trees and other vegetation, but not the use of fertilizers.
6. Work consisting of the repair or maintenance of any lawful use of land approved for such use.
7. Agriculture, landscaping, gardening and lawn maintenance, including the removal of dead and diseased vegetation.
8. The clearing of up to thirty percent (30%) of the vegetation in the natural features setback to afford views and/or access to the natural feature, provided adequate measures are taken to prohibit the exposure of bare soil and soil erosion, such as the establishment of grasses or other vegetative ground cover.
9. Any lawful activity that is under construction and for which all necessary permits have been granted.

Section 14.10 Storm Water Management

A. Applicability: Uses subject to this Section shall be limited to those uses subject to site plan approval according Article 6 of this Ordinance unless expressly provided otherwise by this Ordinance.

B. General Standards: All uses shall be designed, constructed, and maintained to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. In meeting these requirements, the following standards shall apply to the greatest extent practical and feasible:

1. All storm water drainage and erosion control plans shall meet the rules and regulations of the County Drain Commissioner and any additional regulations as this or other ordinance may provide, including standards pertaining to discharge volumes and the design of retention and detention areas. Compliance with such standards shall, to the maximum extent feasible, utilize nonstructural control techniques including, but not limited to: limitation of land disturbance and grading; maintenance of vegetated buffers and natural vegetation; minimization of impervious surfaces; use of contoured landscapes, runoff spreaders, and grass or rock-lined swales; and use of infiltration devices.
2. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands, and watercourses on the site.
3. Storm water management systems shall be designed to prevent flooding and the degradation of water quality related to storm water runoff and soil erosion from proposed development for adjacent and downstream property owners.
4. Site development and storm water management systems shall maintain natural drainage patterns and watercourses.
5. The conveyance of storm water shall rely on swales and vegetated buffer strips to the greatest extent feasible and practical.
6. Drainage systems shall be designed to be visually attractive including the integration of storm water conveyance systems and retention and detention ponds into the overall landscape concept. Ponds shall be designed to be naturally contoured, rather than a square or rectangular design.
7. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.
8. Whenever a landowner is required to provide on-site storm water retention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide satisfactory assurance to the Village, whether by written agreement or otherwise, that the landowner will bear the responsibility for providing and maintaining such methods or facilities.

C. Minimizing Storm Water Runoff

1. Roads constructed as part of a subdivision or similar unified development shall be designed to minimize storm water runoff such as limiting road paving to the minimum necessary width while adequately addressing anticipated traffic levels, on-street parking, and emergency vehicle needs.
2. Roof-top runoff shall be directed to pervious areas such as yards, open channels, or other vegetated areas.
3. Clearing and grading shall be limited to only those locations approved for such landscape alterations as delineated on the approved site plan.

D. Use of Wetlands: Wetlands may be used for storm water management if all the following conditions are met:

1. All runoff from the development will be pre-treated to remove sediment and other pollutants prior to discharge to a wetland. Such treatment facilities shall be constructed before property grading begins. Storm water runoff discharged to wetlands must be diffused to non-erosive velocities before it reaches the wetland. Direct discharge of untreated storm water to a wetland is prohibited.
2. Wildlife, fish, or other beneficial aquatic organisms and their habitat within the wetland shall not be impaired.
3. The wetland has sufficient holding capacity for storm water, based upon calculations prepared by the applicant and reviewed and approved by the Village after consultation with an engineer of applicable expertise.
4. Adequate on-site erosion control is provided to protect the natural functioning of the wetland.
5. Adequate private restrictions are established, such as a conservation easement over the wetlands, to insure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
6. Applicable permits from the Michigan Department of Environmental Quality and any other agency of jurisdiction are obtained.

End of Article 14

Article 15
ACCESS and ROADS

Section 15.1 Purpose

The purpose of this Article is to provide regulations and standards that will facilitate safe, practical and efficient traffic movement and vehicular access in the Village, including provisions addressing the design, construction and maintenance of roads. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assure accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Village unless specified otherwise, and shall be applied in addition to the other provisions of this Ordinance.

Section 15.2 Lots to Have Access

A. General: All lots hereinafter created in the Village shall have frontage on a public or private road constructed and approved according to this Ordinance, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. This Section shall not apply to lots used exclusively for agricultural operations.

B. Exception: A lot hereinafter created in the Village need not have frontage on a public or private road where, due to existing adjacent development patterns and/or lot line configurations, compliance with such frontage requirement is unfeasible or otherwise not reasonably practical, and the Zoning Board of Appeals determines that a variance from such requirement is appropriate according to Article 8. However, in such case, the subject property shall be provided access by a minimum twenty (20) foot wide easement recorded with the County Register of Deeds that expressly provides for ingress, egress and utility rights and establishes provisions regarding the party(s) responsible to ensure continued maintenance of such easement to accommodate emergency vehicle access year-round. No zoning permit shall be issued for a structure on such a lot prior to the submittal of a plot plan or site plan demonstrating compliance with these requirements including the intended easement description and easement provisions to be recorded with the County Register of Deeds.

Section 15.3 Driveways

A. Approval Required: All plans for structures to be erected, altered, moved or reconstructed, and use of premises, shall contain a plan for the proposed driveway access to the premises which shall be part of the required plot plan or site plan.

B. Standards: Driveways shall meet the following minimum standards:

1. All driveways shall be within ten (10) degrees of perpendicular to the road at their point of intersection.
2. Residential driveways in excess of two-hundred (200) feet in length shall be a minimum of twelve (12) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fourteen (14) feet, and shall be constructed of a minimum two (2) inch thickness of asphalt or concrete, or six (6) inches of gravel, stone, or similar aggregate material capable of facilitating emergency vehicle access.
3. Non-residential driveway ingress and egress points shall comply with the following additional standards:
   a. Shall not be closer than one-hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to a non-residential driveway on an adjacent lot, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on vehicle speeds, projected turning patterns and vehicle trips.
   b. Shall comply with the locational and design standards of the County Road Commission including turning radii, tapers, and cross-sectional design, for any improvements or modifications within a public road right-of-way.
   c. See Section 12.3 regarding off-street parking aisles and related standards.
   d. This subsection (3) shall not apply to ingress and egress points used exclusively for agricultural operations.

Section 15.4 Public and Private Roads

A. Public and Private Roads Permitted: Public and private roads are permitted provided such roads comply with the regulations and standards of this Ordinance.

B. Zoning Permit Required: No public or private road, including a new road or road existing on the effective date of this Ordinance, shall be constructed, extended, improved, or relocated unless a zoning permit has been issued for such construction by the Zoning Administrator, after approval by the designated site plan approval body. No permit is required for routine maintenance of existing roads such as road patching, resurfacing, and regrading of road surfaces.

C. Application for Zoning Permit for Road Construction: Application for a road shall require site plan approval according to Article 6. Approval of such application shall result in the issuance of a zoning permit authorizing construction of such road. In addition to the data required by Article 6 for site plan approval, the following additional information shall be provided:

1. Development Plan: A general property development plan identifying the following:
   a. Project description, in both narrative and map form, including the location of the proposed road easement or right-of-way and location of proposed lots to gain access from said road.
   b. The legal description of the proposed road easement or right-of-way.
   c. Construction plans and drawings illustrating the proposed design and construction features of the proposed road and easement or right-of-way, including existing and proposed elevation contours within all areas to be disturbed or altered by construction. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
2. Private Road Easement Agreement: In the case of a private road, a road easement agreement to be signed by the applicant/owner(s) and to be recorded with the Village Clerk and County Register of Deeds providing for:
   a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
   b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
   c. A provision that substantially conforms to the following:
      "This lot or parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Cass County and the Village of Vandalia have no responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access."
3. Maintenance Agreement: In the case of a private road, a road maintenance agreement to be signed by applicant/owner(s) to be recorded with the County Register of Deeds providing for:
   a. A method of initiating and financing such road in order to keep the road up to properly engineered specifications and free of snow and debris.
   b. A workable method of apportioning the costs of maintenance and improvements to current and future owners.
   c. A notice specifying that the proposed development may be subject to the establishment of a special assessment district by the Village Council, as provided by law, to ensure continued and adequate maintenance of the road in the event the necessary maintenance is not undertaken by the property owners that are served by such road, and that no public funds of the Village shall be used to build, repair, or maintain the private road except through such an assessment district.

D. Use of Road: Upon completion of the construction of a road as authorized by an approved site plan and zoning permit, no construction shall be initiated nor shall any zoning permit be granted for any structure or use of a lot that relies upon such road for access until the Village Council grants final approval for use of the road in the form of a Road Certificate of Compliance. The Village Council shall grant such final approval when the following conditions have been met:

1. The applicant's civil engineer, registered in the State of Michigan, shall certify in writing that the required improvements were made in accordance with this Article and Ordinance and all approved plans.
2. The Village's engineer has completed a review of the road and has submitted a report documenting the extent to which the required improvements were made in accordance with this Article and Ordinance and all approved plans.
3. The Village Clerk has received copies of the approved road easement agreement and road maintenance agreement recorded with the County Register of Deeds, in the case of a private road.
4. The Village Clerk has received an agreement from the applicant that indemnifies and holds harmless the Village and its representatives from any and all claims of personal injury and property damage arising from the use of the road, in the case of a private road.
5. The Village Clerk has received adequate documentation that all necessary approvals have been granted by county and state agencies.
6. The Village Clerk has received payment from the applicant for all costs incurred by the Village in association with the verification of the constructed road's compliance with this Ordinance.

E. Design Standards: Roads shall be located and constructed according to the standards of the County Road Commission, and such standards shall be applied fully to both public and private roads, including drainage, runoff collection, slopes, swales, ditches, and road vertical and horizontal alignments, except as provided below and subsection (F).

1. Road Names and Signs: All roads shall be posted with clearly visible road names. Road signs shall comply with County Road Commission regulations and be applied to both public and private roads. In the case of a private road, such sign shall clearly indicate the road is private. All signs shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices. Road signs shall be provided at all intersections. All road names shall be subject to Village and County Road Commission approval to ensure no duplication of road names or other road names that may create confusion for emergency services.

F. Waiver of Design Standards: Roads shall be constructed according to the standards of subsection (E) above except that the Village Council may consider and accept alternative design standards that an applicant may propose and, upon finding such alternatives provide equal or greater structural stability and longevity and do not undermine the public health, safety and welfare, may approve such alternatives. Sufficient engineering data shall be submitted to substantiate the proposed alternative and its merits.

G. Existing Nonconforming Roads

1. Maintenance and Existing Lots: Roads that were lawful prior to the adoption of this Ordinance or amendment thereto, but that are inconsistent with the standards herein, may continue and undergo routine maintenance. The erection of new dwellings or other principal buildings on existing lots which front along such road is permitted.
2. Extensions: No road that was lawful prior to the adoption of this Ordinance or amendment thereto, but that is inconsistent with the standards herein, shall be extended in length, or be subject to an increase in the number of building sites through the partitioning of land along such road or road extension, except upon a finding by the Village Council that the road will be capable of providing sufficient access including year round access for emergency vehicles. The Village Council may require improvements of such road as a condition of the establishment of new building sites, and may require compliance with the standards of this Article as applied to the entire road, the extension segment to the road, and/or one (1) or more other portions of the entire road.

End of Article 15

Article 16
SIGNS

Section 16.1 Purpose

The purpose of this Article is to provide a framework for the display of signs to accommodate the legitimate identification, advertising and informational needs of all land uses and to ensure free speech rights guaranteed by the U.S. Constitution, including the expression of personal, religious, political and ideological views. It is the purpose of this Article to provide such signage needs and opportunities in a manner that is balanced with the desired stability and enhancement of residential and non-residential areas, the safety of the Village's road corridors, and its prevailing desired visual character. It is recognized that unrestricted or unregulated signage does not support the desired character of the Village nor benefit either private enterprise or the community-at-large. Unrestricted signage creates traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines the desired visual character of the Village including its business centers and residential neighborhoods and economic development initiatives.

Section 16.2 Definitions

A. A-Frame Sign: A temporary sign that is ordinarily in the shape of an "A" or some variation thereof, and may be commonly referred to as a "sandwich" or "sidewalk" sign.

B. Banner Sign: A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that is mounted on a wall.

C. Electronic Message Center (EMC) Sign: A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC sign may be part of a free-standing sign, monument sign, or wall sign, as defined herein.

D. Free-Standing Sign: A sign face supported by a center or multiple poles, posts or similar support mechanisms, and the bottom of such sign face in more than twenty-four (24) inches above the ground.

E. Monument Sign: A sign, the bottom of which is twenty-four (24) inches or less above the ground below, and which may be supported by a center or multiple poles, posts or similar support mechanisms, or may extend down and into the ground, similar in character to a monument.

F. Illumination/Illuminate: The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.

1. "Internal illumination" refers to the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Article, an EMC sign shall be construed to be an internally illuminated sign.
2. "External illumination" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign.

G. Projecting Sign: A sign mounted on a building façade, generally perpendicular to the building façade and which projects over the ground surface below, and is designed or intended to be principally viewed from a position generally alongside the façade and not viewed from a position generally facing the façade. A sign on a marquee, canopy or awning-type structure, irrespective of the direction the sign faces, shall not be construed as a "projecting sign."

H. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, including framing and support structures, designed for the purpose of directing attention to, advertising or identifying an individual, a firm, an association, a profession, a business, a commodity or product, an activity, a philosophy, or an idea, which is located upon any land or structure on or in any building, and intended to be viewed from outdoors.

I. Sign Face: All portions of a sign excluding poles, posts and similar support mechanisms. In the case of a monument sign, the sign face shall be construed as extending to one (1) foot above the ground below.

J. T-Frame Sign: A temporary sign that is ordinarily in the shape of an upside down "T" or some variation thereof, and may be commonly referred to as a "sandwich" or "sidewalk" sign.

K. Temporary Sign: A sign designed to be easily moved, without a foundation, footing or similar permanent underground anchoring system, such as a sign advertizing the sale of real estate, a sign announcing an

upcoming community event, and signs mounted on wheeled trailers. A temporary sign shall be construed to be the same temporary sign despite modifications to the location or message of such sign during the period the sign is displayed.

L. Wall Sign: A sign that is attached directly to a building wall with the sign area surface flat against or generally parallel to the building wall, and extending no more than eight (8) inches from the face of the wall, including signs painted on a building wall and signs on a projecting rigid or non-rigid fabric marquee, canopy or awning-type structure.

Section 16.3 General Standards and Regulations

A. Compliance, Permits and Review

1. Compliance Required: No sign shall be erected, used or maintained unless in compliance with the regulations of this Article.
2. Required Permit/Review: All signs shall require a zoning permit prior to placement, erection, replacement or alteration unless exempted by subsection (4) below. All signs shall require a building permit as may be required by the State Construction Code.
   a. A sign for a use subject to site plan review according to Article 6 shall be acted upon by the Village Council, either as part of the site plan review procedure for the entire project or as part of a proposed revision to a previously approved site plan.
   b. A sign for a use that is not subject to site plan review according to Article 6 shall be acted upon by the Zoning Administrator.
3. Application Information: An application for a zoning permit for a sign shall include the following minimum information regarding such sign:
   a. The location and placement of the proposed sign on the lot and/or building façade.
   b. A fully dimensioned scale drawing of the plans, specifications and method of construction and/or attachment. Drawings shall include the colors and materials types to be used.
   c. Written consent of the owner of the lot, building, and/or structure, if other than the applicant.
   d. A copy of all construction, electrical, or other permits required and issued for the sign.
   e. Any other information the approving body may require to establish conformance with the Ordinance.
4. Signs Exempt from Permit/Review: The following signs are exempt from the provisions of subsection (2) above but shall conform to all other regulations and standards of this Article including sign area, height and setback standards.
   a. Signs erected in a public right-of-way by the Village for public safety and/or traffic management purposes.
   b. Official notices issued by a public agency, court, or government official.
   c. Signs painted on operating, licensed motorized vehicles.
   d. Ordinary maintenance, servicing, repainting, cleaning, altering, or changing the information of an existing sign, provided the size, location and/or sign structure are not changed.
   e. Indoor signs affixed to or covering windows.
   f. Signs authorized under Section 16.6.
   g. Signs less than six (6) sq. ft. in area not otherwise listed above.

B. Materials, Construction, Design and Maintenance:

1. Building Code: All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
2. Integrally Designed: A sign shall be integrally designed so that its elements are of a unified character and are not comprised of an assemblage of different sign types and materials. No support shall be used accommodate multiple sign faces intended to serve the same business, tenant or occupant of a lot.
3. Width/Length Ratio: No free-standing sign shall have a dimension that exceeds five times that of its opposite dimension, such as in the case of a sign's width and length.
4. Maintenance: All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.

C. Lighting:

1. Authorized Lighting: Signs may be illuminated unless specified otherwise, and may be internally or externally illuminated unless specified otherwise. Lighting shall comply with the National Electrical Code.
2. Moving Illumination: No sign shall include flashing, blinking, moving or variable intensity illumination except as authorized in subsection (5) below in association with an EMC sign.
3. Exterior Illumination: The source of exterior sign illumination shall be shielded from street right-of-ways and adjacent properties, and shall not be visible beyond the property line of the lot on which the sign is located. All externally lit signs shall be illuminated by lights affixed to the sign and directed downward on the sign face only. This subsection (3) shall not apply to neon lights, and exposed bulbs not exceeding fifteen (15) watts, provided such signs shall not exceed four (4) sq. ft. in area.
4. Interior Illumination: The source of interior sign illumination shall be shielded from street right-of-ways and adjacent properties, and shall not be visible beyond the property line of the lot on which the sign is located.
5. EMC Signs:
   a. An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of ten (10) seconds, without any change in movement, light intensity or color. Message scrolling and similar moving messages are prohibited.
   b. Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
   c. An EMC sign shall have no message changes during hours that the business or use is not open or otherwise available to the public.
   d. An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:

$$\sqrt{(12 \times 100)} = 34.6 \text{ feet measuring distance}$$

D. Measurements

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, or circle, or combination thereof, including any framing.
   a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face.
   b. Where a sign has two (2) faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign.
   c. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined. Sign faces separated by more than eighteen inches (18") shall be considered to have three (3) or more faces.
2. Sign Setbacks: Sign setbacks shall be measured from the lot line horizontally to the nearest edge of the sign. The "nearest edge of the sign" shall be the leading edge of the sign closest to such lot line as viewed from above in plan or bird's eye view.
3. Sign Height: The height of a sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the average ground elevation within ten (10) feet of the sign base. The height of a sign placed upon a berm shall be measured from the base elevation of the berm.

E. Prohibited Signs. The following signs are prohibited:

1. Traffic Interference Signs:
   a. Signs which, due to location, design, color, or lighting, encourage confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.
   b. Signs that obstruct free and clear vision of approaching, intersecting or merging traffic.
2. Moving and Flashing Signs: Signs that have flashing lights, visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement irrespective of the cause of the movement.
   a. Pennants, festoons, spinners and streamers, and similar devices, which move due to wind or mechanical devices and which draw or are intended to draw attention to a location are considered moving signs and are prohibited except as otherwise expressly authorized in association with a

temporary sign according to Sec. 16.6.

b. This subsection (2) shall not be construed to prohibit EMC signs provided such signs are in compliance with Sec. 16.3, except that no temporary sign shall include any part of an EMC image.

3. Projecting Signs and Roof Signs: Projecting signs as defined herein and signs affixed to a roof and other signs that extend in height above the roof behind such sign.
4. Vehicle Sign: A sign greater than sixteen (16) sq. ft. in area and located on a parked vehicle, within view of a public right-of-way or adjacent lot, where the primary use of the vehicle during any forty-eight (48) hour period is the display of such sign.
5. Temporary signs: Temporary signs as defined herein, except as may be authorized according to Sec. 16.7.
6. Sexual Content: Signs that have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit character including any sign elements portraying "specified anatomical areas" or "specified sexual activities" as defined in Article 18 under "Sexually Oriented Businesses."
7. Signs No Longer Applicable: Signs that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located.
8. Other Signs:
   a. Signs that emit audible sound, odor, or visible matter.
   b. Any sign that constitutes a hazard to public health or safety due to collapse, partial destruction and/or inadequate maintenance.
   c. Any sign not expressly authorized by this Ordinance.

F. Window Signs: No sign affixed to or covering a window or near a window that is intended to be viewed from the outside shall exceed one-quarter (25%) of the total window area except in the case of a temporary sign authorized pursuant to Section 16.6. Window signage in excess of a total of sixteen (16) sq. ft. shall be applied to the calculation of total permissible wall sign area according to Sec. 16.5.

Section 16.4 Nonconforming Signs

A. Continuance: The continuance of a lawful use of any sign existing on the date of adoption of this Ordinance or amendment thereto, although such sign may not conform to the provisions of this Article, shall be permitted according to Article 11 except that the following are prohibited:

1. A nonconforming sign shall not be replaced with another nonconforming sign. This limitation shall not prohibit replacing the sign message of the nonconforming sign provided no structural or frame alterations are made to such sign.
2. A nonconforming sign shall not be structurally altered or undergo changes to its shape, size, type, or design except where such changes shall result in removing all nonconforming aspects of the sign.
3. Should a nonconforming sign be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Article including standards regarding area, height, type and location.

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Section 16.5 Permitted Non-Temporary Signs by District

Table 16.5-1 identifies authorized signs in each district according to the limitations specified in the Table regarding sign type, number, area, height and setbacks. Table 16.5-1 applies to signs that do not constitute temporary signs as defined in this Article. See Section 16.7 regarding temporary signs.

Table 16.5-1

See "Special Provisions" following Table.

FS = Free-Standing Sign MS = Monument Sign WS = Wall Sign

District See Sec 3.1 for District Classification	**Authorized Sign Types and Maximum Number**	**Maximum Area of Signs**	**Maximum Sign Height**	**Minimum Sign Setbacks**
Residential Districts See Sec. 16.6 for dwellings	**FS / MS** 1 FS or 1 MS **WS** 1	**FS:** 16 sq. ft. **MS:** 16 sq. ft. **WS:** 16 sq. ft.	**FS:** 8'. **MS:** 5'. **WS:** Top of wall.	**FS / MS:** 5' from front lot line and 25' from other lot lines.
Commercial and Industrial Districts	**FS / MS** 1 FS or 1 MS **WS** 1	**FS / MS:** 1 sq. ft. for each 1' of building height or length generally oriented to the street, whichever is greater, measured as a straight line between the ground elevation and the lowest portion of the roof or between building corners, provided no sign shall be greater than 24 sq. ft. in the C-1 District and 32 sq. ft. in the C-2 and I-1 Districts. **WS:** 10% of the vertical area of the building façade to which the sign is attached, except no sign must be less than 16 sq. ft. and no sign shall be greater than 32 sq. ft. in the C-1 District and 64 sq. ft. in the C-2 and I-1 Districts.	**FS:** 10' in C-1 District; 16' in C-2 and I-1 Districts. **MS:** 5' in C-1 District; 8' in the C-2 and I-1 Districts. **WS:** Top of wall.	**FS/MS:** In C-1 District, 5' from the front lot line and 25' from other lot lines. In C-2 and I-1 Districts, 10' from front lot line and 40' from other lot lines.

Table 16.5 -1 Special Provisions

A. Extended Building Length: In the case of a building that exceeds three hundred (300) linear feet in length along a single street, one (1) additional monument sign shall be permitted provided a minimum of two hundred (200) feet is maintained between such signs.

B. Corner/Through Lot: The standards of Table 16.5-1 shall apply to each frontage separately for a corner or through lot, provided each frontage meets the minimum lot frontage standard of the district in which it is located, but in no case shall more than one (1) free-standing sign be erected on such corner lot.

C. EMC Signs:

1. That portion of an EMC sign designed to display changing words, symbols, figures or images shall not exceed six (6) feet in height above the ground in Commercial and Industrial Districts and shall not exceed four (4) feet in height in all other Districts.
2. No more than fifty percent (50%) of a sign face shall be comprised of an EMC image, and in no case shall an EMC portion of a sign face exceed eight (8) sq. ft. in a Residential District.

D. Business Center Signs:

1. Business Center Defined: For the purpose of this subsection (D), a business center shall be defined as a grouping of two or more business establishments on one (1) or more lots that are linked architecturally or otherwise developed as a unified grouping of businesses and may share parking and access.
2. Freestanding/Monument Signs:
   a. In the case of a business center that is occupied by two (2) or more separate businesses that occupy separate tenant spaces or buildings, the maximum permitted sign area for freestanding and monument signs shall be 1 sq. ft. for each 1' of building height or length generally oriented to the street, whichever is greater, measured as a straight line between the ground elevation and the lowest portion of the roof or between building corners, provided no sign shall be greater than thirty (30) sq. ft. in the C-1 District and forty (40) sq. ft. in the C-2 and I-1 Districts. All other standards of Table 16.5 shall apply.
   b. In the case of a business center comprised of multiple buildings, one (1) monument sign shall be permitted for each building provided such sign is located in the front yard of the building to which it pertains, shall not exceed eighteen (18) sq. ft. in area, and shall comply with the height and setback standards of Table 16.5. Such monument sign shall be permitted in addition to the monument sign permitted according to Section 16.5.
3. Wall Signs: In addition to the wall sign permitted according to Section 16.5, a business center shall be permitted one (1) additional wall sign for each business or tenant space and such sign shall be attached to the façade of such business or tenant space.
   (1) The total area of all wall signs against a building façade, as permitted by this subsection (3), shall not exceed ten percent (10%) of the vertical surface area of such facade.
   (2) The total wall sign area for a specific business or tenant shall not exceed ten percent (10%) of the vertical surface area of the building facade comprising the specific business or tenant.

D. Drive-Through Signs: Any use that includes a drive-in or drive-through facility or other similar station where persons communicate from their vehicle with persons inside a building on the same lot shall be permitted to have signs that relate to the drive-in/drive-through facility, such as menu order board signs or information signs. The drive-through signs shall have a maximum height of six (6) feet and a maximum area of thirty-two (32) sq. ft. per drive-in/drive-through use, and shall not be included in the computation of total sign area for the parcel unless such signs are legible from a point of observation off the premises.

Section 16.6 Additional Non-Temporary Signs Permitted in All Districts

A. Authorization and Limitations: The signs delineated in subsection (B) are permitted in all Districts in addition to the signs authorized by Section 16.5, subject to the standards and limitations prescribed herein. This Section applies to signs that do not constitute temporary signs as defined in this Article. See Section 16.7 regarding temporary signs.

1. Section 16.3: Signs shall comply Section 16.3.
2. Setbacks: Unless provided otherwise by this Article, the following sign setbacks shall apply:
   a. Signs shall be set back from side and rear lot lines a minimum distance equal to the setback standards prescribed in Table 3-4 of Article 3 for the principal building.
   b. Signs shall be set back from a front lot line a minimum distance of one-third (1/3) of the required front yard setback for the principal building on the lot as prescribed in Table 3-4 of Article 3.
3. Illumination: Signs may be illuminated unless otherwise provided.
4. Area Calculations: Signs permitted by this Section shall not be applied toward the permissible sign areas authorized by Section 16.5.

B. Permitted Signs

1. Dwellings: One (1) sign may be erected on a lot on which a single-family or two-family dwelling is located, set back a minimum distance of ten (10) feet from all lot lines, and one (1) sign may be erected within ten (10) feet of an entrance way to a dwelling located in a multiple family dwelling. Such signs shall not exceed four (4) sq. ft. in area and may be illuminated. These limitations shall not prohibit the display of an additional non-illuminated address identification sign, part of a mailbox, to facilitate identification of the property for emergency, postal and other vehicles.
2. Entrance Signs:
   a. One (1) sign at an entrance driveway excluding driveways serving single-family and two-family dwellings. Such sign shall not exceed four (4) sq. ft. in area and four (4) feet in height and shall be located within ten (10) feet of the edge of the driveway and street right-of-way.

b. One (1) sign at an entrance to a residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five (5) dwelling units or at least three (3) buildings used for commercial, industrial or institutional purposes. Such sign shall not exceed twenty (20) sq. ft. in area and five (5) feet in height.
c. One (1) sign at the entrance to a business, agency or other facility, excluding single-family and two-family dwellings. Such sign shall have a maximum height of six (6) feet and shall not exceed eight (8) sq. ft. in area. In no case shall the sign be farther than ten (10) feet from such door.

3. Parking Lot Signs: Signs no greater than four (4) sq. ft. in area and four (4) feet in height when located in a parking lot, provided a minimum of sixty (60) feet shall be maintained between such signs.

Section 16.7 Additional Permitted Temporary Signs

A. Authorization and Limitations: In addition to all other signs authorized by Sec. 16.5 and Sec. 16.6, additional temporary signs are permitted according to the requirements and limitations of this Section.

B. Purpose: A temporary sign may be used for any purpose including, but not limited to, announcements pertaining to a grand opening, an upcoming special event, or the availability of a dwelling or real estate for sale or rent; seasonal celebrations; construction signs providing information about the project under construction; and expressions of political, religious and ideological views.

C. Illumination: A temporary sign shall not be illuminated except in association with a seasonal celebration or where otherwise attached to a building wall and provided there is compliance with Section 16.3.

D. Area Calculations: Signs permitted by this Section shall not be applied toward the permissible sign areas authorized by Section 16.5 and 16.6.

E. Residential Districts: In addition to the temporary signs authorized by subsection (E) above, the following additional temporary signs are permitted in Residential Districts according to the standards prescribed:

1. Number: No more than one (1) temporary sign shall be displayed on a lot at any time for each one-hundred (100) feet of the lot's street frontage or portion thereof, but in no case shall more than three (3) temporary signs be displayed at any single time.
2. Sign Area: Temporary signs shall not exceed four (4) sq. ft. in area except when attached to a building wall, in which case such sign shall not exceed eight (8) sq. ft. in area. In the case where the lot is comprised of more than ten (10) dwelling units, a temporary sign shall not exceed eight (8) sq. ft. in area except when attached to a building wall, in which case such sign shall not exceed sixteen (16) sq. ft. in area.
3. Sign Height: Temporary signs shall not exceed a height of three (3) feet except where attached to a building wall, in which case such signs shall not exceed a height of eight (8) feet. In the case where the lot is comprised of more than ten (10) dwelling units, temporary signs shall not exceed a height of four (4) feet except where attached to a building wall, in which case such signs shall not exceed a height of ten (10) feet.
4. Setbacks: Temporary signs shall be set back a minimum distance of twenty (20) feet from side and rear lot lines. Temporary signs greater than four (4) feet in height or eight (8) sq. ft. in area shall be set back a minimum distance of ten (10) feet from a front lot line.
5. Duration: No lot shall exhibit a temporary sign for more than thirty (30) days during any consecutive three (3) calendar months in the case where such sign exceeds four (4) sq. ft. in area, irrespective of whether the location or message of such sign is modified during the three (3) calendar month period. All other temporary signs authorized by this Section may be erected and maintained year-round.
6. Multiple Tenants: In addition to the temporary signs authorized by this subsection (F), in the case of a lot that is occupied by multiple dwellings, each dwelling may display a temporary sign for no more than fifteen (15) days during any consecutive three (3) months. Such temporary sign shall not exceed a height of three (3) feet and an area of four (4) sq. ft. and shall be setback from all lot lines a minimum distance of twenty (20) feet.

F. Commercial and Industrial Districts

1. Number: No more than two (2) temporary signs shall be displayed on a lot at any time for the first one-hundred (100) feet of the lot's street frontage or portion thereof, and no more than one (1) additional temporary sign shall be erected for each additional full one-hundred (100) feet of additional lot frontage. No more than two (2) temporary signs shall be erected within thirty (30) feet of one another.
2. Sign Area: No temporary sign shall exceed four (4) sq. ft. in area except that one (1) temporary sign shall not exceed twelve (12) sq. ft. in area and one (1) temporary sign shall not exceed eighteen (18) sq. ft. in area.

3. Sign Height: Temporary signs shall not exceed a height of four (4) feet except that one (1) temporary sign shall not exceed a height of six (6) feet and any temporary sign attached to a wall shall not exceed a height of (8) feet.
4. Setbacks: Temporary signs shall be set back a minimum distance of ten (10) feet from side and rear lot lines. Temporary signs greater than six (6) feet in height or twelve (12) sq. ft. in area shall be set back a minimum distance of ten (10) feet from a front lot line.
5. Duration: No lot shall exhibit a temporary sign for more than thirty (30) days during any consecutive three (3) calendar months in the case where such sign exceeds twelve (12) sq. ft. in area, irrespective of whether the location or message of such sign is modified during the three (3) calendar month period. All other temporary signs authorized by this Section may be erected and maintained year-round.
6. Multiple Tenants: In addition to the temporary signs authorized by this subsection (F), in the case of a lot that is occupied by multiple tenants, each tenant may display a temporary sign for no more than thirty (30) days during any consecutive three (3) months, and such temporary sign shall not exceed a height of three (3) feet and an area of four (4) sq. ft. Such temporary signs shall be setback from all lot lines a minimum distance of ten (10) feet.

G. Exceptions for Temporary Activities: In addition to the temporary signs authorized by subsections (E) and (F), additional temporary signs shall be permitted for temporary activities according to the following:

1. Temporary Real Estate Availability Signs:
   a. In the case of the sale or lease of a lot, building, building space, or residence, one (1) temporary sign shall be permitted for each three-hundred (300) feet of the lot's street frontage. Such sign shall not exceed an area of four (4) sq. ft. and a height of five (5) feet.
   b. A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one (1) sign advertising the sale or lease of lots, buildings or residences, not exceeding eighteen (18) sq. ft. in area and five (5) feet in height. Such sign shall be removed after two (2) years or after the sale of seventy-five percent (75%) of all lots, units, or buildings within said development, whichever occurs first.
2. Temporary Construction Signs: Non-illuminated signs identifying the owners, financiers, contractors, architects and engineers of a project under construction and for which a zoning permit has been granted, provided no more than three (3) such signs are erected with each being no greater than six (6) sq. ft. in area and six (6) feet in height, or one (1) sign is erected with an area no greater than twenty-four (24) sq. ft. and eight (8) feet in height. In the case of a sign in association with the construction of a single-family or two-family dwelling, the forgoing standards for sign area and height shall be reduced by thirty percent (30%). Construction signs shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than fourteen (14) days after a certificate of occupancy is issued or two (2) years, whichever occurs first.
3. Warning Signs: Warning signs such as no trespassing, no hunting, and warning of electrical current or animals, provided that such signs shall not exceed two (2) sq. ft. in area and four (4) feet in height, and spaced no closer than twenty (20) feet to one another.

End of Article 16

Article 17
(RESERVED for FUTURE USE)

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End of Article 17

Article 18
Standards and Regulations for Specific Land Uses

Section 18.1 Purpose and Applicability

A. Purpose: The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure such uses minimize negative impacts upon adjacent land uses and the Village as a whole, and encourage orderly development in coordination with surrounding conditions and in the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of regulations presented in this Article, some Sections are accompanied by a further defined "purpose" statement.

B. Applicability:

1. Unless otherwise specified, each use addressed in this Article shall be subject to all setback, lot area and other standards of the District in which the use is located according to Table 3-4 of Article 3.
2. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply.
3. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 6, Site Plan Review.
4. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with requirements of other federal, state, county and local rules and regulations.

Section 18.2 Bed and Breakfast

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B. Additional Standards and Requirements

1. No bed and breakfast use shall be permitted within a subdivision plat or site condominium or on any property where there exists another bed and breakfast within one thousand (1,000) feet, measured as a straight line distance between the structures.
2. The exterior appearance of the bed and breakfast structure shall be of a single-family dwelling character, and shall meet the single family dwelling standards of Section 20.6.
3. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for use by guests.
4. The number of bed and breakfast bedrooms available for use by guests shall not exceed six (6) and all bedrooms shall be part of the dwelling within which the owner resides. All guest bedrooms shall be a minimum of 100 sq. ft., with an additional fifty (50) sq. ft. for each bedroom occupant beyond the first two (2). Bed and breakfast bedrooms shall not be located in basements or other below ground areas unless such bedrooms meet emergency egress rules and regulations of the building code.
5. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
6. Lavatories and bathing facilities shall be available to all persons using the premises, at a minimum rate of one (1) toilet and one (1) shower for each two bedrooms available for rent.
7. All parking areas for guests shall be set back a minimum distance of twenty (20) feet from all lot lines and screened to minimize impacts on neighboring properties.
8. The sale or offer for sale of goods is permitted provided such sales area does not exceed one hundred (100) square feet in floor area.
9. A bed and breakfast shall comply with county and state health department rules and regulations regarding food service, and shall comply with the State Construction Code?

Section 18.3 Campgrounds, Private

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area shall be ten (10) acres and shall have a minimum width of six-hundred (600) feet.
2. All campsites, common use and recreation areas, restrooms, and principal and accessory buildings shall be setback a minimum distance of fifty (50) feet from all lot lines.
3. Maximum lot coverage shall not exceed ten percent (10%).

B. Additional Standards and Requirements

1. No more than one (1) permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager or an employee.
2. A common use area shall be provided at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
3. A convenience store may be permitted within a campground as an accessory and subordinate use to the campground where the campground exceeds more than 40 campsites, the approving body determines that the location of such store will significantly discourage use of the store by non-campers, and such use is expressly authorized as part of an approved campground application.
4. Each campsite shall be clearly identified by signs, stakes, markers or other measures.
5. Each campsite shall have a picnic table and if fires are permitted, a designated place for such fires.
6. Access roads shall be a minimum of twenty-two (22) feet in width and any dead-ended access drives shall be provided a minimum sixty (60) foot diameter turn around.
7. There shall be no camping or parking activities within thirty (30) feet of the center line of an access road.
8. Campgrounds shall comply with all rules and regulations of the Michigan Department of Environmental Quality and County Health Department, including provisions pertaining to potable water, shower facilities, restrooms, and maximum capacity of persons per campsite.

Section 18.4 Commercial Stables

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. A commercial stable shall not be established on any lot less than ten (10) acres in area and three-hundred thirty (330) feet in width.
2. Buildings and structures housing animals, and manure storage areas, shall be set back a minimum distance of sixth (60) feet from lot lines and one-hundred fifty (150) feet from buildings on adjacent or nearby lots.
3. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of a lot line.

B Additional Standards and Requirements

1. A vegetative strip of at least fifty (50) feet wide shall be maintained around all surface waters.
2. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining property or uses.
3. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any existing dwelling on adjacent premises.

Section 18.5 Convalescent and Nursing Homes

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B. Additional Standards and Requirements

1. The lot shall have frontage on at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. There shall be provided easily accessible and usable outdoor areas for walking, sitting, and general relaxation, in an minimum amount of one hundred (100) square feet per patient bed according to design capacity, but in no case shall the open space area be less than ten thousand (10,000) square feet. No single designated outdoor area shall be less than five-hundred (500) square feet in area.

Section 18.6 Day Care Centers

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards and Requirements

1. Day care center buildings authorized in Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the area.
2. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

Section 18.7 Day Care Facility, Group Home

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards and Requirements

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along road frontage maintained by the County Road Commission:
   a. Another group home day care facility licensed by the State of Michigan.
   b. An adult foster care group home licensed by the State of Michigan.
   c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
   d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area. No play equipment shall be located in the front yard.
3. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the dwelling. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
4. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
5. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.
6. All operations and outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high, shall comply with the rules and regulations of Public Act 116 of 1973, as amended.

Section 18.8 Extraction Operations

A. Additional Materials to be Submitted: In addition to the information required by Article 6 for site plan review, the following information shall be provided:

1. Location of all buildings within two hundred (200) feet of any activity proposed for the site.
2. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, daily operating hours, and all haul roads and truck entrance locations to be used.
3. Detailed description of the material to be extracted, the anticipated average amount of material to be extracted each year, the total estimated area to be devoted to extraction, the planned progression of extraction across the site and corresponding time frames, the location of each principal phase, number of acres included in each phase, and the estimated length of time to complete extraction of each phase.
4. Proposed plans for fencing.
5. Depth to and directional flow of groundwater, and analysis data documenting the extent to which the extraction operation may undermine surface and ground water conditions of nearby properties such as in the case of lowering water levels of surface water bodies and ground water resources from which wells rely.
6. Proposed side slopes and depths for all portions of the extracted area, including interim and final slopes.

7. Detailed storm water management plans that delineate how runoff is to be removed from extraction areas including the delineation of proposed interim and finished grading and revegetation, directional flow of swales and other drainage courses, settling ponds and retention/detention ponds, points of discharge of runoff, the avoidance of stagnant ponding, and measures to minimize erosion and sedimentation of existing on-site and off-site water bodies.
8. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
9. A detailed reclamation plan that complies with the following:
   a. Describes in detail the intended reclamation use of the site upon completion of extraction activities, the spatial arrangement of proposed reclamation uses, and preliminary final grading of the site.
   b. Depiction of finished, stabilized, side slopes, and provisions for revegetation and stabilization.
   c. The inclusion of a landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved grading plan and intended reclamation use.
   d. Final slopes no greater than a 3:1 (horizontal:vertical) ratio.
   e. No noxious, flammable or toxic backfill and grading materials shall be used.
   f. Provides for the removal of all rubbish, debris, structures, buildings, and equipment within 365 days of the termination of extraction operations.
   g. The inclusion of a reclamation schedule that provides, in part, that reclamation shall be carried out progressively so as to ensure that no active extraction area exceeds five (5) acres in area, unless expressly authorized otherwise upon a finding that no practical alternatives exist and the public health, safety and welfare shall be ensured.

B. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be twenty (20) acres.
2. Notwithstanding any other minimum setbacks required by this Ordinance, all extraction activities, including alteration of existing topographic conditions, fixed and temporary buildings and equipment, washing and stockpiling of materials, truck parking and truck storage areas, shall be set back a minimum distance of one hundred (100) feet from all lot lines and two hundred (200) feet from an existing dwelling.

C. Additional Standards and Requirements:

1. Rumble strips shall be provided along access drives to discourage the tracking of dirt onto adjacent roads. Public streets within 1,000 feet of the exit of the extraction site shall be kept reasonably clear on a daily basis of mud, dirt and debris from vehicles exiting the site.
2. Measures shall be employed as necessary to prohibit windborne dust, sand, or other materials from leaving the extraction site, including the seeding of exposed earth, use of berms and vegetative screens, and the application of chemicals to non-vegetated areas provided such chemicals are biodegradable and non-toxic.
3. No topsoil shall be removed from the extraction site except as may be delineated on an approved site plan or otherwise authorized as part of an approval of the extraction operation.
4. Extraction areas shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
5. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. The applicant shall make an adequate financial guarantee with the County Road Commission to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
6. Extraction operations, including crushing, washing, processing, loading and transport operations, shall commence no earlier than 7:00 a.m. and cease no later than 7:00 p.m. on weekdays and, on Saturdays, shall commence no earlier than 7:00 a.m. and cease no later than 5:00 p.m. Extraction operations shall not occur on Sundays, Christmas Day, and Thanksgiving Day. A modification of these limitations may be made by the special land use approving body upon a finding that specific conditions are present or are to be established that support more lenient limitations.
7. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the approved reclamation plan.

8. The site shall be rehabilitated progressively as extraction areas are worked or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous, and blended with the general surrounding ground form. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the extraction activity will damage the reclaimed areas. Extraction areas shall be reclaimed pursuant to the approved reclamation plan. The excavator shall be required to post an acceptable performance guarantee pursuant to Section 2.6 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site.
9. Any expansion of an extraction operation beyond that area covered by a valid zoning permit shall be subject to the special land use application provisions of Article 7.
10. Any performance bond that may be required according to Section 2.6 may cover anticipated yearly or other periodic inspections.
11. All areas which are subject to current extraction operations, or past extraction operations but which have yet to be reclaimed or otherwise exhibit slopes in excess of 3:1 (horizontal to vertical), shall be fenced to a minimum height of six (6) feet. Any gates made part of such fencing shall be secured at all times when the site is unattended by the operator. Such fencing shall include signs no less than three (3) square feet in area and spaced no greater than two hundred (200) feet apart, with the following or similar notice: “Warning – Danger, Excavation in Progress.”
12. No extraction activities shall occur within any 100-year floodplain as delineated by the Federal Emergency Management Authority.

D. Abandonment/Termination of Use:

1. An operator shall submit written notice to the Zoning Administrator of the abandonment of an extraction operation within six (6) months of such abandonment.
2 When extraction operations have ceased for more than 365 consecutive days or when, by examination of the premises or other means, the Zoning Administrator determines that the extraction operation has been abandoned, the Zoning Administrator shall give the owner written notice of the intent to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, has not been abandoned.
3. The Village Council shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, within six (6) months of such declaration, except upon a finding by the Planning Commission that there exist special or unique conditions that support a different time frame for completion.
4. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

E. Time Limitation on Permit: A permit for an extraction operation shall be valid for five (5) years. No less than every five (5) years from the issuance of such permit, the applicant shall submit project status documents delineating the status of extraction operations to date including the current limits of extraction, reclamation efforts undertaken and completed to date, updated phasing plans for the remainder of the approved extraction area, and the status of any alleged violations and corrective actions. The Village Council shall consider such documents and the recommendation of the Zoning Administrator, and upon finding such documents are satisfactory, the Village Council shall renew the permit for an additional five (5) years. The Village Council shall not deny the renewal of such permit if the extraction operation is in compliance with the approved zoning permit and all conditions made part of the permit.

F. No Very Serious Consequence: When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 7.6, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

5. The impact on other identifiable health, safety, and welfare interests in the Village.
6. The overall public interest in the extraction of the specific natural resources on the property.

Section 18.9 Foster Care Facility, Group Home

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards and Requirements:

1. Any outdoor children's' play area shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
3. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for employees.
4. The facility shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility.
5. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing unless required otherwise by law.
6. There shall be compliance with the rules and regulations of Public Act 116 of 1973, as amended.

Section 18.10 Golf Courses, Country Clubs, and Driving Ranges

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area shall be twenty (20) acres.
2. All principal and accessory buildings, driving stations, parking areas, temporary sanitary facilities and trash receptacles, and outdoor swimming pools and surrounding deck areas, shall be set back a minimum distance of seventy-five (75) feet from all lot lines.

B Additional Standards and Requirements

1. The design of buildings shall be of an overall residential or lodge character and exterior materials shall be primarily wood, siding, stone or brick.
2. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. Where necessary, buffering conditions shall be in place to minimize the safety threats upon adjacent land uses due to errant golf balls.
3. Accessory uses may include managerial facilities, maintenance sheds, restrooms, lockers, restaurants and drinking establishments, racket sports, swimming facilities, clubhouses, and other uses having a customary accessory relationship with a country club, provided all standards of this Ordinance are met and the approving body determines that such uses are clearly accessory and subordinate in character to the principal use of the lot as an outdoor recreational facility.
4. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer or hydrologist licensed in the State of Michigan.
5. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Village Clerk. Plans for emergency containment and clean-up shall also be provided.

Section 18.11 Junkyards

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot shall have a minimum area of twenty (20) acres and a minimum width of three-hundred thirty (330) feet.
2. All storage, dismantling, or other work on junk shall be set back at least one-hundred (100) feet from the front lot line, any other public right-of-ways, and any lot line adjacent to a Residential District.

B Additional Standards and Requirements

1. A solid fence or wall enclosure at least eight (8) feet in height, but no greater than ten (10) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously and maintained in such manner. All activities shall be confined to within the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
2. No junkyard shall be used for the disposal of household, commercial, or industrial garbage, trash, hazardous materials, or any waste materials or products.
3. Outdoor burning is prohibited.
4. The hours of outdoor operation shall be limited to between 6:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on weekends.
5. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust.
6. The operation shall be licensed by the Michigan Secretary of State.
7. No inoperable vehicle shall be maintained on the site for more than three (3) days except where all fluids and other hazardous materials in such vehicle, including but not limited to batteries, fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations. The leaking of such materials onto the ground is prohibited.
8. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
9. A junkyard shall comply with all applicable state regulations, including the acquisition of necessary permits, and shall comply with the County Solid Waste Management Plan.

Section 18.12 Kennels

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. A kennel shall not be established on any lot less than five (5) acres in area and three-hundred (300) feet in width.
2. Buildings where animals are kept, runs, and group exercise areas shall not be located closer than one-hundred (100) feet to a lot line and no closer than five-hundred (500) feet to an existing dwelling on another lot.

B Additional Standards and Requirements

1. The lot shall be kept in a clean and sanitary manner to prevent the accumulation of flies, fleas, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against odors, flies, fleas, and the spread of disease.
2. All animals shall be currently licensed as provided by law and maintained in a healthful and careful manner, and all kennel operations shall comply with all applicable village, county, state and federal regulations.
3. Kennel buildings used to house animals shall have concrete floors throughout and shall be fully enclosed, heated, ventilated, and insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Outdoor runs, pens or exercise yards shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.

7. A separate and independent septic system shall be installed to collect animal waste except upon documentation from the County Health Department that the Department has approved the use of an existing system to serve the kennel. The appropriate location, capacity and sizing of a separate and independent septic system shall be in accordance with Department rules and/or recommendations.

Section 18.13 Mini/Self Storage Facilities

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards and Requirements

1. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
2. There shall be a minimum of thirty-five (35) feet between storage buildings for driveway, parking, and fire lane purposes. Where no parking for loading or unloading is permitted within the building separation areas, said building separation need only be twenty (20) feet. Traffic direction and parking shall be designated by signaling, signs and/or painting.
3. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from storage units.
4. Storage units shall not contain more than five-hundred (500) square feet each.
5. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and no outdoor storage shall occur within fifty (50) feet of a side and rear lot line.

Section 18.14 Motels and Hotels

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards and Requirements

1. Each unit shall contain at least a furnished bedroom and bath and a minimum gross floor area of two-hundred fifty (250) square feet.
2. Motels and hotels shall provide customary services such as cleaning service, linen service, and telephone and/or desk service.
3. Accessory services including meeting rooms and restaurants are permitted provided such uses are contained within the motel building, comply with the provisions of this Ordinance including adequate off-street parking in addition to the motel itself, and such uses are made part of the zoning permit application for which approval is granted.
4. A caretaker's residence may be established within the motel only.

Section 18.15 Multiple Family Developments

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The portion of a building within fifty (50) feet of a lot line shall not exceed twenty-five (25) feet in height.
2. Buildings shall be a minimum twenty-five (25) feet from the edge of parking lots and access drives not otherwise comprising a public road right-of-way.

B Additional Standards and Requirements

1. The minimum distance between any two buildings on the lot shall be equal to fifty (50) feet except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end, or where both ends include no windows, shall be the height of the taller building but no less than twenty-five (25) feet.
2. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated open space shall be less than five-hundred (500) square feet in area. Such open space shall be available for recreation and leisure.
3. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.

4. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, and recreation buildings.
5. All access drives shall have a minimum pavement width of twelve (12) feet for one-way streets and twenty-four (24) feet for two-way streets.
6. The minimum floor area for multiple family dwelling units shall be as follows:
   a. Efficiencies: 350 sq. ft. of heated living area.
   b. One bedroom units: 500 sq. ft. of heated living area.
   c. Two bedroom units: 700 sq. ft. of heated living area.
   d. Three bedroom units: 800 sq. ft. of heated living area.
   e. Four or more bedroom units: 880 sq. ft. of heated living area, plus 80 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom.

Section 18.16 Open Air Businesses (On-Site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B. Additional Standards and Requirements:

1. All outdoor sales, storage or display areas shall include a building of more than two hundred (200) square feet in area, which functions in association with the business and includes potable water and sewage disposal facilities in compliance with the County Health Department.
2. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises.
3. Outdoor broadcasting of voice or music is prohibited.
4. The storage of soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
5. In the case of vehicle sales or service, the following additional restrictions shall apply:
   a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance such as tire and wiper replacement but excluding oil changes.
   b. All vehicle display and storage areas shall be asphalt or concrete paved except where the approving body determines such paving is not necessary due to the prohibition of public access to such areas, the limited use of such areas on a day-to-day basis, and/or other reasons the approving body finds applicable.

Section 18.17 Open Space Preservation Communities

A. Purpose: It is the purpose of Open Space Preservation Communities (OSPC) to provide opportunities for residential development which, because of the more flexible standards available to OSPCs under this Section and according to Section 506 of the Michigan Zoning Enabling Act, more effectively encourage the preservation of open spaces and natural resources. The regulations of this Section intend to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is to be located, so that the remainder of the site can be preserved as open space.

B. The following site and developmental requirements shall apply:

1. Uses: Uses within an OSPC shall be limited to those dwelling types authorized by the District in which the OSPC is located and customary accessory uses to dwellings, in addition to the open space as required by this Section.
2. Number of Lots/Dwellings: The number of dwellings and lots authorized in an OSPC shall be the number attainable by the Conventional Plan according to subsection (C)(2) below plus an additional twenty-five percent (25%).
3. Minimum Lot Area and Width
   a. Lot Area: The minimum lot area shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available.
   b. Lot width: Minimum lot widths shall be of such dimension so that no lot has a depth greater than four (4) times its width, but in no case shall a lot be less than forth (40) feet in width.

4. Setbacks
   a. The following front, side and rear yard setbacks shall apply except that in no case shall a building be located within fifty (50) feet of the perimeter lot line of the OSPC. Where the approving body finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering within the context of surrounding development patterns, the above referenced setbacks may be reduced by no greater than fifty percent (50%).
      1) Front yard: twenty-five (25) feet.
      2) Side yard: ten (10) feet.
      3) Rear yard: twenty (20) feet.
   b. In addition to subsection (a) above, a minimum (75) foot setback shall be maintained along lakes, ponds, rivers, streams, and wetlands, except that this setback shall not prohibit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's resources within the setback.
5. Guarantee of Open Space: An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. For the purposes of this Section, “undeveloped state” shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. For the purposes of this Section, “greenway” shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
   a. The open space conveyance shall:
      1) Indicate the proposed allowable use(s) of the dedicated open space.
      2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space, and establish a funding mechanism to ensure the same.
      3) Provide for maintenance to be undertaken by the municipality in which it is to be located, in the event that the dedicated open space is inadequately maintained or is determined by the Planning Commission to be a public nuisance, with the assessment of costs upon the property owners.
6. Open Space Preservation Area, Character, and Priorities
   a. A minimum of fifty percent (50%) of the OSPC parcel shall be designated as permanent open space. However, in no case shall the required open space area be characterized by year-round submerged land such as ponds, lakes, and year-round submerged wetlands, and no more than fifty percent (50%) of the required open space area shall be characterized by wetlands not otherwise submerged year-round.
   b. Open space shall be located on the parcel to meet the following objectives:
      1) Greatest preservation priority shall be placed upon water courses and bodies, MDNRE-regulated wetlands, floodplains, and mature woodlands. Other on-site natural resources shall also be considered in the location of open spaces and overall design of the project including farmland, tree lines, wetlands not regulated by the MDNRE, and panoramic views.
      2) To ensure the open space area is of a unified character comprised predominantly of large contiguous areas, except where special conditions may exist that support a more fragmented configuration of the open space.
7. Fire Protection: Fire hydrants shall be provided in all OSPCs that include a public water system.
8. Vehicular and Pedestrian Access and Circulation
   a. All dwellings within an OSPC shall gain access from an interior road within the OSPC.
   b. A non-motorized circulation system may be required along one or both sides of the roads of the OSPC and/or through other portions of the OSPC, to ensure safe non-motorized travel. The circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.

c. Access points or paths shall be provided to afford pedestrian access to designated open space and common areas. These access points shall link the open space to the road system, sidewalks, or the remainder of the development.
d. See Article 15 regarding standards for public and private roads.

C. Special Application and Approval Requirements: OSPCs are subject to site plan approval according to Article 6 (Site Plan Review) in addition to the following:

1. Unified Control: The application shall demonstrate that the proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
2. Conventional Plan: At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width. This plan shall identify the total number of lots and dwellings reasonably attainable. The site plan approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSPC proposal.
   a. The conventional plan need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all village, county, and state regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals), and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered if it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (2) above.
3. Recording of Approval Action/Permit Issuance:
   a. The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Zoning Administrator.
   b. Upon receipt of the recorded documents, the Zoning Administrator shall issue a zoning permit for the OSPC.
   c. Separate zoning permits are required for each individual dwelling and building on OSPC lots. No such permit shall be issued prior to the completion of all site modifications as approved under subsection (b) above, unless expressly provided otherwise during site plan deliberations.

Section 18.18 Private Landing Strips

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Runways, hangers, maintenance buildings, and any other structures associated with the landing strip shall be located a minimum of one-hundred fifty (150) feet from all lot lines.

B Additional Standards and Requirements

1. Runways shall be twelve hundred (1,200) feet in land length and fifty (50) feet in width, with a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of “ultra-light” aircraft.
2. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.

Section 18.19 Sexually Oriented Businesses

A. Purpose: There is convincing documented evidence that sexually oriented businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Village desires to prevent adverse effects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

B. Definitions: For the purposes of this Section, the following terms, phrases and definitions shall apply:

1. Adult Bookstore: A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b). The sale of such materials shall be deemed to constitute a “principal business purpose” of an establishment if it comprises ten percent (10%) or more of sales volume or occupies ten percent (10%) or more of the display area or visible inventory within the establishment.
   a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
   b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. Adult Live Entertainment Center: A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
   a. Persons who appear in the state of nudity.
   b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
   c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. Adult Motel: A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
   a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
   b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
   c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. Adult Motion Picture Theater: A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer’s room including movies that depict specified anatomical areas or specified sexual activity.
5. Adult Sexual Paraphernalia Store: An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
6. Adult Theater: A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
7. Escort: A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.

8. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
9. Manager's Station: A designated area from which a premises is managed or supervised.
10. Massage Parlor: Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
    a. Proof of graduation from a school of massage licensed by the State of Michigan.
    b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this section.
    c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
    d. A current occupational license from another state.
11. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
    a. An educational institution funded, chartered, or recognized by the State of Michigan.
    b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
12. Open Dance Hall: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
13. Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
    a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
    b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
14. Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
    a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
    b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons are in a state of nudity.
15. Sexually Oriented Business: A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
16. Specified Anatomical Areas: Any of the following:
    a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
    b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified Sexual Activities: Any of the following:
    a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
    b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
    c. Masturbation, actual or simulated.

d. Human genitals in a state of sexual stimulation or arousal.
e. Excretory functions as part of or in connection with any of the activities set forth in (a) – (d) above.

C. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

D. Additional Standards and Requirements

1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this ordinance.
2. All doors providing access into or from the interior of an adult entertainment shall be doors that serve the adult entertainment use only and provide direct access to the outdoors such as in the case of a parking lot or other common outdoor area. No adult entertainment use shall be accessed from an indoor common area such as in the case of an enclosed mall or similar access arrangement. These limitations shall not prohibit an adult entertainment use from being part of a building devoted to multiple tenants or uses provided direct access to the adult entertainment use is from the outdoors only and such access serves the adult entertainment use only.
3. Separation Requirements
   a. No sexually oriented business shall be located within four-hundred (400) feet of a Residential District.
   b. No sexually oriented business shall be located within one-thousand (1,000) feet from a church, synagogue or regular place of worship; a public or private elementary or secondary school; a public park; a licensed day-care center or preschool; or another sexually oriented business.
   c. For the purposes of subsection (3)(a) and (b) above, measurement shall be made as a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. In no case shall a sexually oriented business be located in the same building, structure, or portion thereof, containing another sexually oriented business.
4. Signs of a minimum 24” by 36” size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
   a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
   b. No alcoholic beverages of any type are permitted within the premises unless specifically authorized by a permit issued under this Ordinance and pursuant to a license duly issued by the Michigan Liquor Control Commission.
5. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level. All off-street parking areas shall be illuminated during all hours of operation of the adult entertainment business, and until one hour after the business closes.
7. Hours of operation shall not begin prior to 10:00 a.m. and shall not extend past 2:00 a.m.
8. A sexually oriented business that offers live entertainment shall provide all of the following:
   a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.
   c. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest employee or patron.
   d. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
   e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manger's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No

patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.

f. Rest rooms shall not contain any video reproduction equipment.

E. Additional Application Requirements: In addition to complying with the submittal requirements of Article 6, Site Plan Review, and Article 7, Special Land Uses, application for a sexually oriented business shall include the following additional information:

1. A diagram of the premises specifying the location of manager's stations. A manager's station shall not exceed fifty (50) square feet of floor area.
2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
3. Any portion of the premises in which patrons are not permitted.

Section 18.20 Solar Energy Systems

A. Definitions: The following terms, phrases and definitions shall apply for the purpose of this Article.

1. Solar Energy System (SES): A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy.
2. Small Solar Energy System (Small SES): A solar energy system intended to principally serve a single dwelling unit or business and which relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of no more than one-thousand (1,000) sq. ft.
3. Medium Solar Energy System (Medium SES): A solar energy system intended to serve the lot on which the system is located and/or uses and lots located elsewhere, including in association with energy utility providers, and/or which relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than one-thousand (1,000) sq. ft. but not more than five-thousand (5,000) sq. ft.
4. Large Solar Energy System (Large SES): A solar energy system of a utility-scale intended to principally serve property and persons not located on the lot on which the system is located, and/or which relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than five-thousand (5,000) sq. ft.
5. Solar Collection Panels: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

B. Compliance with Table 3-4: Solar energy systems shall comply with the standards of Table 3-4 except as provided otherwise by this Section.

C. Small Solar Energy Systems (Small SES)

1. Small SES Authorization, Review and Approval Procedures: A Small SES is an authorized accessory structure in all districts. Small SES mounted on the ground by way of posts or other support structure mounted on or in the ground, and roof-mounted systems, shall be subject to Zoning Administrator approval. An application for a Small SES need not include a site plan prepared according to Article 6 but the application shall include all information required for a plot plan according to Section 2.4(B), in addition to the delineation of all SES structures and facilities and all structures on adjacent properties within one hundred (100) feet of a shared lot line.
2. Small SES General Provisions: Solar collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the Zoning Administrator may require a report from a registered civil engineer or other professional deemed qualified by the Zoning Administrator, attesting to the glare and radiation impact on nearby properties and public roads.
3. Small SES Roof-Mounted Systems
   a. A solar energy system on the roof of a principal building or accessory structure, whether an integral part of the roof structure or mounted on the finished roof structure, and whether the system is flush with the roof or projects from or at an angle to the roof, may exceed the maximum height standard for the structure to which it is attached according to the district in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached.
   b. Roof-mounted solar collection panels located on a roof having a slope of less than thirty (30) degrees shall be set back from an exterior edge of the roof a minimum distance of five (5) feet.

4. Small SES Ground-Mounted Systems
   a. Ground mounted solar collection panels and associated equipment shall comply with the standards for accessory structures for the district in which the panels are to be located except that in no case shall the panels exceed (12) feet in height.
   b. In the case of a ground mounted solar panel(s) located on a lot that is adjacent to a lot in a Residential District, where the panels are to exceed a total surface area of one-hundred fifty (150) sq. ft. and are to be located within one hundred fifty (150) feet of a shared lot line with such lot, the panels shall be screened from view from such lot. The screening shall consist of one (1) evergreen tree per twenty (20) linear feet of panel length and such trees shall be spaced no less than fifteen (15) feet and no greater than twenty-five (25) feet apart. Trees shall be a minimum height equal to fifty percent (50%) of the height of the panel(s) at the time of planting. Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. All plant material shall be maintained in a healthy condition to provide the necessary screening and replaced upon death or disease.
      1. The Zoning Administrator may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next five (5) years based on nearby development trends during the preceding five (5) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make typical screening requirements ineffective or otherwise unnecessary.
   c. If a ground mounted Small SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

D. Medium Solar Energy Systems (Medium SES)

1. Medium SES Authorization, Review and Approval Procedures: A Medium SES is an authorized permitted use in all districts. Medium SES shall be subject to site plan approval by the Village Council according to Article 6, and the Village Council finds that the application complies with the standards of Article 6 and this subsection (D).
2. Medium SES General Provisions
   a. Mechanical equipment, excluding solar panels, shall be screened from view from public streets and any property within a designated Residential District, where such road or property is within one hundred (100) feet of the equipment, by a masonry wall, evergreen vegetation or other screening measure of similar effectiveness.
   b. Solar energy system equipment is prohibited in a front yard and shall comply with the side and rear yard setback standards of Table 3-4 of Article 3.
   c. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section, prepared by a registered civil engineer or other professional deemed qualified by the Planning Commission.
3. Medium SES Roof-Mounted Systems
   a. A solar energy system on the roof of a principal building or accessory structure, whether an integral part of the roof structure or mounted on the finished roof structure, and whether the system is flush with the roof or projects from or at an angle to the roof, may exceed the maximum height standard for the structure to which it is attached according to the district in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached.
   b. Roof-mounted solar collection panels located on a roof having a slope of less than thirty (30) degrees shall be set back from an exterior edge of the roof a minimum distance of five (5) feet.
4. Medium SES Ground-Mounted Systems
   a. Ground-mounted solar collection panels are prohibited in a front yard and shall be setback from all property lines the same distance as required for the principal building on the property. Such setback shall be a minimum of fifty (50) feet where the respective yard is adjacent to property in a Residential District.
   b. Ground-mounted solar collection panels shall not exceed eighteen (18) feet in height.
   c. Screening of ground-mounted panels shall be provided as required for Small SES, according to subsection (C).

d. If a ground mounted Medium SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

E. Large Solar Energy Systems (Large SES)

1. Large SES Authorization, Review and Approval Procedures: Large SES are classified as special land uses and are authorized in the Industrial District only.
2. Large SES General Provisions: Large SES shall comply with the site development standards of subsection (D) for Medium SES, and shall be subject to the special land use approval standards of Chapter 7.

F. Exception for Self-Contained Solar Energy Systems: Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, to provide energy to operate the device to which they are attached such as in the case of a panel connected to an exterior light or an attic fan, are permitted in all districts and may be erected without the issuance of a zoning permit.

Section 18.21 Vehicle / Car Wash Establishment

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. The lot shall have frontage on and gain direct access to a paved road.
2. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
3. Outdoor vacuuming activities shall be located in a rear yard only and shall be set back a minimum of fifty (50) feet from a lot in an a Residential District or otherwise used for dwelling purposes.
4. Maneuvering lanes and stacking lanes shall be provided and located so as to provide sufficient room to avoid waiting cars without encroaching into a road right-of-way.
5. Each bay shall be graded and drained to collect run-off originating in the bay.
6. Trash containers shall be provided and emptied as necessary to prohibit litter.

Section 18.22 Vehicle Repair Shops and Service Stations

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Fuel pumps, pump canopies, and above and below ground storage of fuel and other flammable materials shall be setback a minimum distance of twenty-five (25) feet from all lot lines. Setbacks for canopies shall be measured from the edge of the canopy.

B Additional Standards:

1. There shall be provided adequate on-site capacity to accommodate a minimum of two (2) waiting vehicles at each gasoline pump without encroachment into public right-of-ways or the entering and exiting of service bays.
2. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
3. All outside storage areas for trash, used tires, auto parts, disabled vehicles, wrecked vehicles, or partially dismantled vehicles, and similar items, shall be enclosed by a six (6) foot screening fence or wall. Such fencing and storage area is prohibited in a front yard and shall not be located in a required side and rear yard landscape/buffer area according to Article 13.
4. No disabled, wrecked, or partially dismantled vehicle shall be parked or stored on the lot for a period exceeding thirty (30) days, and such parking or storage shall not exceed three (3) vehicles per service bay.
5. All lighting mounted to the underside of a canopy shall be fully recessed.
6. The application shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials.

Section 18.23 Wind Energy Turbines

A. Definitions: For the purposes of this Section, the following phrases shall have the following meanings:

1. Ambient Sound Level: The amount of background noise at a given location prior to the installation of a WET which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.
2. Anemometer: A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine (WET) at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time.
3. Blade: The aerodynamic surface that catches the wind.
4. Decommissioning: The process of terminating operation and completely removing a wind energy turbine (WET) and all related buildings, structures, foundations, access roads, and equipment.
5. KW-kilowatt is a measure of power for electrical current equal to 1000 watts.
6. KWh-Kilowatt-hour: A measure of energy equal to the use of one kilowatt in one hour.
7. Large Wind Energy Turbine (Large WET): A wind energy turbine that is tower-mounted and has a nameplate capacity that exceeds two hundred fifty (250) kilowatts.
8. Medium Wind Energy Turbine (Medium WET): A wind energy turbine that is tower-mounted and has a nameplate capacity that exceeds thirty (30) kilowatts but does not exceed two hundred fifty (250) kilowatts.
9. Net-Metering: A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
10. Occupied Building: A residence, school, hospital, church, public library, business, or other building in which the public may assemble or otherwise occupy.
11. Operator: The entity responsible for the day-to-day operation and maintenance of a wind energy turbine (WET).
12. Owner: The individual or entity, including their respective successors and assigns, which have an equity interest or own the wind energy turbine (WET).
13. Shadow Flicker: The moving shadow, created by the sun shining through the rotating blades of a wind energy turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.
14. Small Tower-Mounted Wind Energy Turbine: A wind energy turbine (WET) that is tower-mounted and has a nameplate capacity that does not exceed thirty (30) kilowatts.
15. Small Structure-Mounted Wind Energy Turbine: A wind energy turbine that is attached to a structure's roof, walls, or other elevated surface and has a nameplate capacity that does not exceed thirty (30) kilowatts.
16. Total Height: The vertical distance measured from the ground level at the base of a wind energy turbine (WET) to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy turbine (WET).
17. Tower: A freestanding monopole that supports a wind energy turbine (WET).
18. Wind Energy Turbine (WET): A wind energy conversion system that converts wind energy into electricity through the use of a turbine mounted on a tower or other structure, including any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system, and may include structures and buildings accessory to such system.

B. Additional Application Requirements for Small Structure-Mounted WETs and Small Tower-Mounted WETs: The following information shall be provided in addition to the application information required by Section 2.4(B) for plot plan approval.

1. Maps (drawn to scale) showing the proposed location of all components and accessory equipment of the Small Structure-Mounted WET or Small Tower-Mounted WET, property lines, physical dimensions of the property, existing buildings, setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The plot plan shall include adjoining properties as well as the location and use of all structures.
2. Total proposed number of Small Structure-Mounted WETs and Small Tower-Mounted WETs and the proposed type and height of each to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
3. Documented compliance with the noise requirements of this Ordinance.
4. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
5. Proof of applicant's liability insurance.
6. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
7. Evidence documenting that the WET shall not interfere with communication systems including radio, telephone, television, satellite or emergency systems.
8. Other relevant information as may be reasonably requested.

C. Additional Application Requirements for a Medium WET and Large WET: The following information shall be provided in addition to the application information required by Article 6 (Site Plan Review) and Article 7 (Special Land Uses).

1. Shadow Flicker Analysis: An analysis on potential shadow flicker on any occupied building with direct line-of-sight to the Medium or Large WET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year, and describe measures that shall be taken to eliminate or mitigate the problems.
2. Site Plan Drawing: Location and height of all proposed Medium or Large WETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the WETs.
3. Site Plan Documentation: The following documentation shall be included with the site plan:
   a. The contact information for the owner and operator of the Medium or Large WET as well as contact information for all property owners on which the WET is located.
   b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Medium or Large WET. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the zoning permit, if approved.
   c. In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the WET.
   d. The proposed number, representative types and height of each Medium or Large WET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
   e. Documents shall be submitted by the developer/manufacturer confirming specifications for separation distances between WETs.
   f. Documented compliance with the noise, vibration and shadow flicker requirements of this Ordinance.
   g. Engineering data concerning construction of the Medium or Large WET and its base or foundation, which may include, but not be limited to, soil boring data.
   h. A certified registered engineer shall certify that the Medium or Large WET meets or exceeds the manufacturer's construction and installation standards.
   i. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Medium or Large WET to conduct maintenance, if applicable.
   j. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The

Medium or Large WET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.

k. Proof of applicant's liability insurance shall be required bi-annually
l. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
m. A written description of the anticipated life of each Medium or Large WET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the WETs become inoperative or non-functional.
n. The applicant shall submit a decommissioning plan that shall be carried out at the end of the Medium or Large WET's useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease.
o. The following additional information requirements shall apply to Large WETs only:
    1) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Large WET.
    2) A study assessing potential impacts on the natural environment including, but not limited to, bird and bat species, endangered species and other wildlife. The study shall conform to state and federal wildlife agency recommendations and shall address feeding, nesting and migration. The study shall be prepared by a certified wildlife biologist and shall identify any proposed mitigation measures to minimize impacts.
    3) Evidence documenting that the proposed WET location shall have sufficient annual wind resources for the operation of the WET system.

D. Anemometers

1. The construction, installation, or modification of an anemometer tower shall require a zoning permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements, including building and mechanical building permits.
2. An anemometer shall be subject to the height, setback, separation, location, safety, and decommissioning provisions that correspond to the size of the WET that is being contemplated for the site.
3. An anemometer shall be permitted for no more than two (2) years.

E. Compliance with Table 4-4: All WETs shall comply with the provisions of Table 3-4 of Article 3 except where this Section provides otherwise.

F. Standards Applicable to All WETs: The following provisions apply to all WETs unless provided otherwise.

1. Visual Appearance
    a. WETs, including accessory buildings and related structures shall be of a non-reflective, non-obtrusive color. The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the WET.
    b. A WET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
    c. A WET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
2. Ground Clearance: The lowest extension of any blade or other exposed moving component of a WET shall be at least fifteen (15) feet above the ground and any above-ground outdoor area intended for human use such as balconies or roof gardens.
3. Noise: Noise emanating from the operation of WETs shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of WETs shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
4. Vibration: Vibrations shall not be produced that are humanly perceptible beyond the property on which a WET is located.
5. Guy Wires: Guy wires shall not be permitted as part of the WET.
6. Ice Throw: Ice throw or shedding from a WET shall not cross a property line or onto any right-of-way or overhead utility service.

7. Electrical System: All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components shall be placed underground within the boundary of each lot at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement. Above ground wiring is permitted in the case of a Small Structure-Mounted WET or Small Tower-Mounted WET provided such wiring is necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires.
8. Signal Interference: A WET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
9. Industry Standards
   a. The design of WETs shall conform to all applicable industry standards and shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other state and federal agency.
   b. The structural integrity of a Medium or Large WET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

G. Additional Standards Applicable to Small Structure-Mounted WETs and Small Tower-Mounted WETs: The following provisions shall apply to Small Structure-Mounted WETs and Small Tower-Mounted WETs in addition to those of subsection (F).

1. Small Structure-Mounted WET
   a. Height: The height of a Small Structure-Mounted WET shall not exceed (15) feet as measured from the highest point of the roof or other structure to which it is attached, excluding chimneys, antennae, and other similar protuberances.
   b. Setback: The setback of a Small Structure-Mounted WET shall be a minimum of fifteen (15) feet from a property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. The setback shall be measured from the furthest outward extension of all moving parts.
   c. Quantity: No more than three (3) Small Structure-Mounted WETs shall be installed on any lot in a Residential District or other residentially-used lot.
   d. Separation: If more than one Small Structure-Mounted WET is installed, a distance equal to the height of the highest Small Structure-Mounted WET must be maintained between the base of each Small Structure-Mounted WET.
2. Small Tower-Mounted WET
   a. Height: The total height of a Small Tower-Mounted WET shall not exceed one hundred (120) feet.
   b. Occupied Building Setback: The setback from all occupied buildings on the applicant's lot shall be a minimum of twenty (20) feet measured from the base of the tower.
   c. Location: A Small Tower-Mounted WET shall be located in a rear yard only, except that a Small Tower-Mounted WET may be located in a front or side yard provided it is setback a minimum distance of one hundred and fifty (150) feet from such lot lines, as measured from the base of the WET.
   d. Other Setbacks: The setback shall be equal to 1 1/2 times the total height of the Small Tower-Mounted WET, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.
   e. Quantity: No more than one (1) Small Tower-Mounted WET shall be installed on any lot in a Residential District or other residentially-used lot.

H. Additional Standards Applicable to Medium WETs and Large WETs: The following provisions shall apply to both Medium WETs and Large WETs unless specified otherwise, in addition to those of subsection (F).

1. Shadow Flicker: WETs shall be designed and located so as to minimize shadow flicker on a roadway and prevent shadow flicker on any existing occupied structures located off of the lot on which the WET is located. The Planning Commission may require special operational hours of a WET to ensure these requirements are met.
2. Safety Requirements
   a. If a Medium or Large WET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
   b. A Medium or Large WET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
   c. Security measures shall be in place to prevent unauthorized trespass and access. Each Medium or Large WET shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to a WET and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized persons.
   d. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
   e. Each Medium or Large WET shall have a minimum of one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower and on any security fence if applicable. The sign shall include, at a minimum, warnings of high voltage, manufacturer's and owner/operators name, and emergency contact numbers.
3. Decommissioning:
   a. WET owners or operators shall complete decommissioning within twelve (12) months after the end of the useful life. A WET shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner or operator.
   b. Decommissioning shall include the removal of each WET, buildings, electrical components as well as any other associated facilities. Foundations shall be removed to a minimum depth of sixty (60) inches below ground elevation. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
   c. All access roads to a WET shall be removed, cleared, and graded unless the property owner requests, in writing, a desire to maintain the access road. The Village shall not be assumed to take ownership of any access road unless through official action of the Village Board.
   e. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner submits are valid basis for not seeding the area.
   f. A performance guarantee shall be posted pursuant to Section 2.6 for the decommissioning of WETs.
4. Medium WETs: The following additional requirements apply to Medium WETs only.
   a. Location: A Medium Tower-Mounted WET shall be located in a rear yard only where an occupied building is on the lot, except that a Medium Tower-Mounted WET may be located in a front or side yard provided it is setback a minimum distance of one hundred and fifty (150) feet from such lot lines, as measured from the base of the WET. In the case of a condominium development, the Medium WET shall only be located in a General Common Element.
   b. Height: The total height of a Medium WET shall not exceed one hundred and fifty (150) feet.
   c. Quantity: No more than one (1) Medium WET shall be installed for every two and one-half (2.5) acres of land included in the lot, except where the Planning Commission finds that size, configuration, or other features of the property on which the WET is to be located, or the character of the surrounding area, permits a greater density with limited impact on the surrounding area.
   d. Setback & Separation:
      1) Property Line Setbacks: Except as provided by subsection (2) below, an Medium WET shall be a minimum distance from all lot lines equal to the total height of the Medium WET as measured from the base of the tower. This setback may be reduced by the Planning Commission if the

applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.

2) Public Road Setbacks: A Medium WET shall be set back from the public road a minimum distance equal to the total height of the Medium WET, measured from the tower base.
3) Occupied Building Setback: The setback from all occupied buildings on the applicant's lot shall be a minimum of twenty (20) feet, measured from the base of the tower.
4) Communication and Electrical Lines Setback: A Medium WET shall be set back from the nearest above-ground public electric power line or communication line a minimum distance equal to the total height of the Medium WET, as measured from the tower base.
5) Tower Separation: MWE towers shall be separated from each other a minimum distance

6. Large WETs: The following additional requirements apply to Large WETs only:
   a. Ground Clearance: The lowest extension of any blade or other exposed moving component of a Large WET shall be at least twenty (20) feet above the ground, at the highest point of the ground elevation within fifty (50) feet of the base of the tower.
   b. Quantity: The maximum number of Large WETs shall be determined based on setback and separation standards.
   c. Access Driveway: Each Large WET shall require the construction of a private road to offer an adequate means by which the Village may readily access the site in the event of an emergency.
   d. Lot Area: A Large WET shall not be located on a lot of less than ten (10) acres.
   e. Setback & Separation:
      1) Property Line Setbacks: Except as provided by subsection (2) below, a Large WET shall be a minimum distance from all lot lines equal to the total height of the Large WET as measured from the base of the tower. This setback may be reduced by the Planning Commission where the adjoining property is owned, leased or otherwise under the control of the applicant as part of a unified multi-parcel WET project, but in case shall the setback be less than one hundred (100) feet.
      2) Road Setbacks: A Large WET shall be set back from the nearest public road a minimum distance equal to one hundred and ten percent (110%) of its total height.
      3) Occupied Building Setback: A Large WET shall be set back from the nearest occupied building that is located on the same lot as the Large WET a minimum one and one-half (1.5) times its total height, or one thousand (1000) feet, measured from the tower base, whichever is greater. A Large WET shall be set back from the nearest building intended to be occupied, that is located on a lot not to be occupied by a LWET, a minimum distance of two thousand (2,000) feet, measured from the tower base.
      4) Communication and Electrical Lines: Each Large WET shall be set back from the nearest above-ground public electric power line or communication line a minimum distance no less than four hundred (400) feet or one and one-half (1.5) times its total height, whichever is greater, measured from the tower base.
      5) Tower Separation: Large WET towers shall be separated from each other a minimum distance according to industry standards and manufacturer recommendations, but in no case less than three (3) times the turbine rotor diameter, measured from the tower base.
   f. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any Large WETs to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the Large WET becomes operational. Sound shall be measured by a third-party, qualified professional.
   g. All towers shall be inspected annually by a certified registered Michigan licensed engineer and authorized factory representative to insure the structural integrity of the tower, and appurtenances added to the tower. An annual maintenance report shall be provided to the Zoning Administrator on or before August 1st.

Section 18.24 Wireless Communication Facilities

A. Definitions: For the purposes of this Section, the following phrases shall have the following meanings:

1. Collocate: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
2. Equipment compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
3. Wireless communications equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
4. Wireless communications support structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
5. Wireless Communication Facility: All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, equipment compounds, wireless communications equipment, and wireless communications support structures. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
6. Class One Wireless Communication Facility: Any wireless communication facility and modifications thereto that meet all of the following requirements:
   a. No construction or other improvements provide for the erection of a new wireless communications support structure, but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
   b. All proposed wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
   c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the municipality in which it is located.
   d. The proposed collocation of equipment shall not do any of the following:
      1) Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
      2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
      3) Increase the area of the existing equipment compound to greater than 2,500 square feet.
      4) Be in violation of the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the then-designated approving body.
7. Class Two Wireless Communication Facility: The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class One Wireless Communication Facility.

B. Class One Wireless Communication Facility – Application, Review and Approval: A Class One Wireless Communication Facility constitutes a use permitted by right in all districts, subject to site plan approval according to Article 6.

1. Application Review Time Frame and Fees
   a. After a Class One application for a wireless communication facility is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first.
   b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the

running of the 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed actual, reasonable costs to review and process the application or $1,000.00, whichever is less.

c. The site plan approving body shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the site plan approving body fails to timely approve or deny the application, the application shall be considered approved and the site plan approving body shall be considered to have made any determination required for approval.

C. Class Two Wireless Communication Facility – Application, Review and Approval: A Class Two Wireless Communication Facility constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 6 (Site Plan Review), Article 7 (Special Land Uses), and the following provisions:

1. Application Review Time Frame and Fees: The provisions of subsection (B)(1) above shall apply to Class Two applications for wireless communication equipment except that the special land use approving body shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete.
2. Additional Application Requirements: In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 6, each applicant for a Class Two wireless communication facility shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.
   a. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Village and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
   b. Elevation drawings of the proposed tower and any other structures.
   c. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
   d. Method of fencing and finished color and, if applicable, the method of camouflage.
   e. A written statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
   f. Identification of the entities providing the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, long distance providers, and/or the public switched telephone network (backhaul routes) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Village.
   g. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
   h. A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.

D. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-4. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-4.
2. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to the tower's height, including antennas, except where the application documents that the tower is designed to fall upon itself, in which case the minimum setback shall be one-half the height of the tower but not less than one-hundred (100) feet. Setbacks shall be measured from the leading edge of the tower's base to the respective lot line.
3. No tower shall exceed one hundred ninety five (195) feet in height, measured from the base of the tower to the highest point of the tower including antennae. All towers and antenna shall comply with the height restrictions of any airport management plan approved by the Michigan Aeronautics Commission.

E. Additional Standards:

1. Separation Distances: The following separation distances shall apply to Class Two wireless communication facilities except that the special land use approving body may reduce the standard separation distance by no greater than twenty-five percent (25%) upon a finding that there exist on-site or surrounding conditions that mitigate the need for such separation distances and that the purpose of this Ordinance will be preserved. Separation distances shall be measured from the base of the tower to the lot line of the off-site use except where otherwise noted.

Off-Site Use or Designated Area	Separation Distance
Existing dwellings.	300 feet or 150% of the tower's height, whichever is greater.
Vacant land in any district that authorizes dwellings as a permitted use.	200 feet or 100% of the tower's height, whichever is greater.
Land in a Commercial or Industrial District, whether vacant or otherwise.	The setback standards of Table 3-4 or the tower's height, whichever is greater.
Another communication tower.	1 mile from another tower in the Village for towers of 100' or more in height, and one-half mile for towers less than 100' in height.

2. Fencing and Lighting
   a. The base of a tower shall include a minimum six (6) foot high fence with anti-climbing measures.
   b. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses.
3. Tower Construction
   a. Towers shall be of monopole construction. Guy wires are prohibited.
   b. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
   c. All towers and antennas including all support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current standards and regulations of the Federal Aviation Authority, Federal Communications Commission, State Construction code, and all other codes and agencies having jurisdiction.
   d. All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication facilities. This requirement shall not apply in the case where the tower is less than one-hundred (100) feet in height.
4. Landscaping and Signage
   a. Signage shall be limited to emergency information only except as may be required by law.
   b. Trees shall be established, if not already present, that effectively screen the view of the tower facility from nearby residential properties, and shall provide for coniferous plantings spaced at no greater than fifteen (15) feet apart and located within forty (40) feet of the perimeter of the tower facility and within any leased land area comprising the tower facility.
5. Presence of Personnel: No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.
6. General Design: The design of buildings and structures shall, to the greatest extent practical, use materials, colors, textures and screening that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical. Accessory structures shall not exceed eight-hundred (800) sq. ft. of gross floor area.
7. Collocation
   a. Requirement for Collocation:
      1) A permit for the construction and use of a Class Two communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
   b. Feasibility of Collocation: Collocation shall be deemed to be feasible and practical for purposes of this subsection (7) except where satisfactory evidence is submitted demonstrating that no existing tower, structure or alternative technology can accommodate the applicants proposed antenna. Such evidence may consist of any of the following:
      1) No existing towers or structures are located within the geographic area that meets applicants engineering requirements.

2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

8. Removal
   a. Any tower that is not operated for a continuous period of 365 days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the zoning administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall be not be required until all users cease use of the tower for a continuous period of 365 days.
   b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the facility may be removed with reliance on the security posted at the time application was made for establishing the facility.
9. Nonconforming Towers/Antenna: Nonconforming towers and antennas shall be subject to the provisions of Article 11, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided all building permits for the new tower are acquired within 180 days of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (8) above.

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End of Article 18

Article 19
(RESERVED for FUTURE USE)

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End of Article 19

Article 20
SUPPLEMENTAL PROVISIONS

Section 20.1 Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all uses and all zoning districts unless otherwise indicated.

Section 20.2 Conditional Approvals

A. Conditions on Discretionary Decisions: The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Village Council may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.6.

Section 20.3 Moving Buildings

No existing building or structure within or outside of the Village shall be relocated on any lot in the Village unless the building or structure meets all provisions of this Ordinance and the Michigan Construction Code and a zoning permit has been issued for such relocation.

Section 20.4 Essential Services

Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention hereof to exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, gas regulator stations, electrical substations, water towers, water and sewage treatment plants, and similar above-ground structures and uses associated with such essential services.

Section 20.5 One Dwelling Unit / Principal Use per Lot

A. Dwellings: No more than one (1) dwelling unit shall be established on a lot except as otherwise authorized by this Ordinance, such as in the case where Table 3-2 or 3-3 of Article 3 authorizes two-family or multiple family dwellings, or where a temporary dwelling may be authorized (Section 20.7, Temporary Dwellings).

B. Principal Uses: No more than one (1) principal use shall be established on a lot except as may be authorized in a Commercial, Industrial , or Planned Unit Development District and according to an approved site plan pursuant to Article 6.

Section 20.6 Single Family Dwelling Standards

A. All single family dwellings and modifications thereto shall comply with the requirements of this Ordinance including the following standards, provided that the foregoing standards shall not apply to temporary dwellings, or mobile homes located in a licensed manufactured housing community, except to the extent required by State and Federal law.

1. The dwelling shall have a minimum total floor area of seven-hundred twenty (720) square feet, excluding floor area devoted to a basement, garage, utility rooms, breezeways, and open or screened-in outdoor spaces commonly referred to as a deck or porch or any other similar spaces that are not fully enclosed by walls and a roof.
2. The dwelling shall have a minimum straight line dimension of twenty (20) feet across each of its front, side and rear elevations, and shall a minimum ceiling height of seven and one-half (7.5) feet.
3. The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and any fire codes of the Village. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, then and in that event such federal or state standard or regulation shall apply.
4. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling. No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis.
    a. A mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
5. A mobile home shall meet the Manufactured Home Construction and Safety Standards Act of 1974 (as amended) or be certified by HUD to be approved for occupancy and to be placed on a new site. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standards for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture, is required, as identified in the Michigan Residential Code, Appendix E definitions.
6. The dwelling shall have not less than two (2) exterior doors, with one (1) of the doors being located along a different side of the dwelling than the other door. The dwelling shall have steps connected to exterior door areas, or to porches connected to exterior door areas, where the difference in elevation exceeds twelve (12) inches.
7. Any additions or modifications to a dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
8. The dwelling shall contain storage area equal to ten percent (10%) of the square footage of the dwelling or one-hundred fifty (150) square feet, whichever shall be less, and shall be located in a basement part of the dwelling, in an attic area, in closet areas, or in a separate structure constructed of similar or better quality workmanship as the dwelling. Such required storage area shall be in addition to any interior storage area used for the parking of vehicles.
9. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
10. The dwelling shall have a roof overhang of not less than six (6) inches along all sides or shall have recessed windows and roof drainage systems concentrating roof drainage at collection points.
11. The dwelling's wall and roof areas shall have a finished surface that is non-reflective and non-glare-producing. The finished surfaces shall be of weather-protecting materials such as brick, wood, vinyl, concrete and similar protective materials, commonly used by the housing industry and designed as an outdoor exterior surface including resistance to deterioration and damage from weather conditions. Such surfacing shall be maintained to ensure an effective protective covering for the more interior parts of the dwelling's walls and roof and shall be promptly repaired upon deterioration or other damage.

Section 20.7 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as approved by the Zoning Administrator according to this Section and as may be permitted according to Section 20.8. Application for and authorization of a temporary dwelling under this Section shall require the submittal of a zoning permit application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B). A temporary dwelling may be authorized under this Section for the following purposes only:

1. Emergency Housing**:** A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while the existing permanent dwelling on the same lot is under repair due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy, and for which repairs a zoning permit and building permit have been issued. Application for and authorization of such a temporary dwelling shall require the submittal of a zoning permit application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B).
2. New Home Under Construction: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while a permanent dwelling on the same lot is under new construction and for which a zoning permit and building permit have been issued. Application for and authorization of such a temporary dwelling shall require the submittal of a zoning permit application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B).

B. Standards

1. A temporary dwelling may be placed in any yard.
2. A temporary dwelling shall comply with the setback standards of the District for the permanent dwelling unless the Zoning Administrator determines that the location of the permanent dwelling, or other features of the lot, prohibit compliance with such setbacks, in which case the Zoning Administrator may approve a reduction of up to fifty percent (50%) of the normally required setback.
3. The temporary dwelling shall be connected to a county-approved on-site septic system, or sewer system unless the Zoning Administrator determines that the permanent dwelling continues to provide necessary potable water and sewage disposal.

C. Permit Duration and Removal:

1. No permit issued under this Section shall be issued for a duration exceeding one (1) year.
2. The Zoning Administrator may renew a temporary dwelling permit no more than once and such renewal shall not exceed one-hundred eighty (180) days in duration, upon the applicant adequately demonstrating that construction delays have been beyond the control of the applicant and that construction completion is continuing in an earnest manner.
3. A temporary dwelling shall be removed from the lot no later than the termination date of the permit or within thirty (30) days of the issuance of a certificate of occupancy for the permanent dwelling, whichever comes first.

D. Temporary Visitation Exception: Nothing is this Section shall be construed to prohibit a recreational vehicle being used as a temporary dwelling on any lot on which a permanent dwelling is located for temporary visitation purposes, provided such temporary occupancy does not exceed ten (10) days in any calendar month period. A zoning permit is not necessary for such temporary occupancy.

E. Temporary Dwelling on a Vacant Lot: No vehicle or any other item, including a recreational vehicle, shall be occupied and/or used as for temporary housing on a vacant lot except as may be authorized according to this Section.

Section 20.8 Substandard Dwellings Prohibited

No structure or any other item that does not meet this Ordinance's definition for "dwelling" and comply with this Ordinance's standards for dwellings shall be erected on a lot or moved onto a lot, or otherwise occupied, for dwelling purposes, including a basement, cellar, garage, tent, vehicle, vehicle part, and items designed for the storage and/or transport of cargo.

Section 20.9 Accessory Structures and Buildings

A. Scope: Accessory structures and buildings shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Article 21 pertaining to the same. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor or similar fully enclosed architectural feature. An attached garage shall not be construed as an accessory building. This Section shall not apply to fences and walls.

B. Permit Required: No accessory building or structure shall be erected prior to the issuance of a Zoning Permit, provided however that a permit is not required in the case of a building or structure that is less than one-hundred twenty (120) square feet in area, unless otherwise provided by this Section, but such building or structure shall comply with all requirements of this Ordinance including height and setback standards. Applications for accessory buildings and structures shall be administered and reviewed as part of an original or proposed revised plot plan (Section 2.4(B)) or site plan (Article 6).

C. Placement/Setbacks:

1. Prohibited in Front Yard: An accessory building is prohibited in a front yard.
2. Lot Line Setbacks:
   a. Accessory buildings and structures of less than one-hundred twenty (120) square feet in area and ten (10) feet in height shall be set back a minimum distance of three (3) feet from a side and rear lot line, except that this distance shall be increased to five (5) feet in the case of the AR District.
   b. Accessory buildings and structures greater than one-hundred twenty (120) square feet in area and/or greater than ten (10) feet in height shall comply with the minimum side and rear yard setback standards for the principal building according to the District in which it is located.
   c. In the case of a corner or through lot, and irrespective of subsections (a) and (b) above, all accessory buildings in a side or rear yard abutting the street shall comply with the respective side and rear yard setback standards for the principal building according to the District in which it is located.
3. Separation from Another Building: An accessory building shall not be located within ten (10) feet of another building.
4. Utilities: An accessory building or structure shall not be located so as to interfere with the proper functioning of utilities including existing and proposed back-up septic drain fields.

D. Height: Accessory buildings and structures in all districts shall comply with the maximum height standards of the principal structure on the lot according to Table 3-4 of Article 3, except as follows:

1. R-2 and R-3 Districts: The maximum height of accessory buildings in the R-2 and R-3 Districts shall not exceed fourteen (14) feet. See definition of “building height” in Article 21.
2. Other Residential Districts: The maximum height of accessory buildings in all Residential Districts except the R-2 and R-3 Districts shall not exceed (25) feet. The minimum required setback of Table 3-4 shall be increased by one (1) foot for each one (1) foot of accessory building height in excess of fourteen (14) feet. See definition of “building height” in Article 21.

E. Area, Size and Coverage

1. Rear Yard Area: The total area of all accessory buildings shall not exceed thirty percent (30%) of the area of the rear yard in which they are located.
2. Total Area of All Accessory Buildings
   a. AR District: The maximum total square foot area of all accessory buildings for a dwelling in the AR District shall not exceed one and one-half times (1.5) the first floor area of the dwelling. In the case of a nonconforming lot due to deficient lot area, the maximum permitted total square foot area of all accessory buildings shall be reduced by the same percentage (%) as the percentage by which the lot area is less than the minimum required lot area.
   a. R-1, R-2 and R-3 Districts: The maximum total square foot area of all accessory buildings for a dwelling in the R-1, R-2 or R-3 Districts shall not exceed the first floor area of the dwelling
3. Building Coverage: In addition to the limitations of subsections (1) – (3) above, no accessory building or structure shall be erected that results in noncompliance with the building coverage standards of Table 3-4 of Article 3.

F. Number: No more than three (3) accessory buildings shall be erected on a single-family or two-family residential lot.

G. Habitation of Accessory Buildings or Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 20.7, Temporary Dwellings.

H. Prohibited Prior to a Principal Structure: Accessory buildings and structures are prohibited on a lot prior to the establishment of a principal structure.

I. Items Prohibited as Accessory Buildings and Structures: The following are prohibited as an accessory building or structure:

1. Mobile homes, irrespective of how the home may be used including for storage purposes, except as authorized by Section 20.7, Temporary Dwellings.
2. Automobiles, busses, trucks, semi-tractor trailers, storage crates or canisters designed for hauling by motor vehicle, and similar containers, vehicles and vehicle parts, converted or otherwise, except as may be authorized in association with the principal use of the lot and upon site plan approval.
3. Any use, structure or other aspect of a lot that does not conform to the definitions of Article 21 pertaining to buildings and structures.

Section 20.10 Home Occupations

A. Definitions: For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:

1. Home Occupation: An occupation or profession conducted on the same lot as an occupied dwelling, accessory to and incidental to the principal residential use of the lot.
   a. Class 1 Home Occupation: A home occupation that is conducted entirely within the dwelling, including an attached garage.
   b. Class 2 Home Occupation: A home occupation that is conducted wholly or in part outdoors or in an accessory building.

B. Authorization: The operating or conducting of a home occupation is permitted according to the regulations and standards of this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot, upon application to and approval by the Zoning Administrator and the issuance of a zoning permit.
2. Class 2 Home Occupation: A Class 2 Home Occupation is permitted as an accessory use to the principal residential use of a lot in the AR District only, and is classified as a special land use subject to the provisions of Article 7 and the standards of subsection (C) below. A permit issued for such home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Articles 6 and 7, an application for a Class 2 home occupation shall also include a detailed description of the character of the home occupation such as service or product offered; the number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.

C. Standards: Home occupations shall comply with the following standards:

1. Secondary and Incidental: The occupation shall be clearly secondary and incidental to the use of the lot as a place of residence, and shall not result in a change to the essential residential character of the lot including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by Article 16.
2. Disturbances: The occupation shall not produce any noise, odors, vibration, vapors, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
3. Management: A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.
4. Materials: The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature. Refuse generated by a home occupation shall be safely and properly disposed of.
5. Area: The home occupation shall not occupy an area greater than twenty-five percent (25%) of the first story floor area of the dwelling.
6. Employees: No more than one (1) employee shall be present on the lot other than employees residing in the dwelling.
7. Traffic: All traffic to and from a home occupation shall not result in more than ten (10) vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other

business visitors.

8. Outdoor Areas: No portion of the home occupation shall be located outdoors including the storage of goods, equipment and machinery.
9. Hours: The home occupation shall not be open to the public between 8:00 p.m. and 8:00 a.m.
10. Display/Sale of Goods: The home occupation shall provide for no more than a total combined display and/or sales area of sixty-four (64) sq. ft.
11. Setbacks: No customer/patron off-street parking shall be permitted within a setback area.
12. Prohibited as a Home Occupation: The following are prohibited as a home occupation:
    a. Vehicle, engine or machinery repair.
    b. Equipment rental.
    c. The storage or sale of junk, scrap or salvage materials.

Section 20.11 Fences and Walls

A. Residential: Fences and walls accessory to a residential use shall comply with the following:

1. No fence or wall exceeding six feet (6') in height, measured from the ground below, shall be erected in any side or rear yard. Where the fence or wall is located on a berm, the berm height shall be included in the measurement of the fence/wall height.
2. No fence or wall exceeding three feet (3') in height, measured from the ground below, shall be erected in a front yard. Such fence shall be of a unified open construction and not exceed fifty percent (50%) opacity. Where such fence is of a chain-link, cyclone, livestock or similar type construction, such fencing shall be set back a minimum distance of forty (40) feet from the front lot line.
3. In the case where a proposed fence or wall is within twenty (20) feet of a dwelling on an abutting lot, the finished side of the fence or wall shall face the abutting lot.
4. Fences and walls with barbs, spikes, nails, or other sharp or electrified devices are prohibited.
5. Fences and walls shall not be subject to setback requirements.
6. No fence or wall shall be erected along or near a street in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such street or negotiate movement through an intersection. See Section 20.20 regarding clear vision zones.
7. Fences and walls shall be constructed of materials designed and intended for such purposes. In no case shall a fence or wall be constructed of rotting lumber, pallets, glare-producing materials, rubbish, trash, tires, vehicle or motor vehicle component parts, tree stumps, or any materials that encourage habitats or harborage for pests and vermin.
8. All fencing and walls shall be maintained in good exterior and structural condition.
9. No fence or wall shall be erected prior to the issuance of a zoning permit.

B. Commercial, Industrial, Public, and Institutional: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 6, shall be reviewed according to the site plan review provisions of Article 6. No fence or wall shall be erected prior to the issuance of a zoning permit.

Section 20.12 Setback Exceptions for Residential Outdoor Living Areas (Decks, Porches, Etc.)

A. Definition: For the purpose of this Section, "residential outdoor living area" shall be defined as an outdoor area that constitutes a structure as defined in this Ordinance and is designed or used for outdoor gathering, lounging, dining, and/or similar use, in association with a dwelling, constructed of wood, concrete, brick, stone, or similar surface or simulated surface.

B. Standards: Outdoor living areas shall comply with the dwelling setback requirements of the District in which the dwelling is located, except that any portion of an outdoor living area that is in compliance with the following standards shall be set back a minimum distance of five (5) feet from a side or rear lot line:

1. Surface Height: The portion of the outdoor living area has a walking surface no greater than six (6) inches above the ground elevation along the side and rear lot lines most proximate to the outdoor living area.
2. Vertical Features: The portion of the outdoor living area shall have no vertical feature that exceeds six (6) feet in height, irrespective of whether such feature is attached or not attached to the outdoor living area.
3. Unroofed: The portion of the outdoor living area shall be unroofed.

Section 20.13 Outdoor Display, Sales and Storage

A. Definition of Materials and Products: For the purpose of this Section, "materials and products" shall include lumber piles, crates, boxes, building materials, discarded materials, trash, junk, and similar items; finished or partially finished items intended for subsequent use or sale including pipes, logs, fire wood, and figurines; and motor vehicles, items intended for tow, landscape supply materials, and other items customarily requiring outdoor storage.

B. Commercial Display and Sales: Outdoor display or sales of materials and products in association with a commercial or industrial use is prohibited except where expressly authorized pursuant to an approved site plan. Such display or sales area shall not extend into a required setback for the principal building according to Table 3-4. The maximum permitted outdoor display or sales area shall be ten percent (10%) of the use's indoor retail sales floor area except that this limitation shall not apply to the display and sales of plant nursery stock, motor vehicles, items intended for tow, or other items customarily requiring outdoor display.

1. Exception: Nothing in this subsection shall prohibit a commercial use dedicated principally to retail sales from displaying items for sale provided the display items do not extend more than five (5) feet from the wall of a building dedicated to such use and shall not exceed five (5) feet in height. Such display and sales areas shall not interfere with sidewalks and/or other pedestrian ways intended to or necessary to facilitate safe and convenient pedestrian traffic.

C. Commercial and Industrial Storage: The outdoor storage of materials and products in association with a commercial or industrial use, not otherwise comprising outdoor display and sales as determined by the site plan approving body, is prohibited except where the site plan approving body finds that proposed screening or enclosure of such storage area adequately minimizes negative impacts upon existing and planned surrounding land uses. Such enclosure or screen shall be subject to site plan approval. No outdoor storage of materials and products shall be located in a front yard.

Section 20.14 Prohibited Vehicles

A. Vehicles Prohibited: The following vehicles are prohibited on a lot unless the lot is currently authorized for construction and such construction requires the use of such vehicles, or such vehicles are otherwise part of an approved home occupation:

1. Tow-truck, semi-tractor or trailer, sand and gravel hauling truck, bulldozer, grader, or other earth-moving equipment.
2. Any vehicle exceeding twenty-five (25) feet in length or fifteen (15) feet in height, or a gross vehicle weight rating of 10,000 pounds, but excluding recreational vehicles.

B. Exceptions: This Section shall not prohibit the parking or storing of agricultural vehicles and machinery on a lot devoted to agriculture for which the vehicles and/or machinery is used, the storing of buses for school or church use on lots upon which the school or church is located, or the temporary parking of County Road Commission vehicles as part of typical maintenance and construction activities.

Section 20.15 Outdoor Parking and Storage of Recreation Vehicles and Watercraft

A. Authorization and Limitations: The outdoor parking and/or storage of recreational vehicles and watercraft, including motorized and non-motorized watercraft, shall comply with the following:

1. The outdoor parking and/or storage of recreational vehicles and watercraft is prohibited except in association with an occupied residential lot, or in association with a commercial or industrial use dedicated to recreational vehicles and/or watercraft and subject to an approved site plan.
2. The outdoor parking and/or storage of recreational vehicles and watercraft shall comply with the same setbacks as are required for the principal building according to Table 3-4 of Article 3.
3. In the case of a residential lot, all watercraft and recreational vehicles shall be titled to the owner or leasee of the lot or dwelling, and all watercraft and recreational vehicles shall have current state registration and tags affixed.

Section 20.16 Farm Markets (Roadside Stands)

A. Standards:

1. Farm markets shall comply with the most current Generally Accepted Agricultural Management Practices as published by the Michigan Agriculture Commission, including limitations on the range of products sold. All products sold shall be farm products.
2. No structure part of a farm market shall have a height greater than sixteen (16) feet, and shall be setback a minimum of twenty-five (25) feet from a front lot line and a minimum of two hundred (200) feet from a side or rear lot line that abuts a Residential District.
3. No parking shall occur in a public right of way. An area suitable for the orderly accommodation of a minimum of eight (8) parked vehicles shall be provided. Parking facilities need not be paved.
4. Access drives shall be a minimum of twenty (20) but no greater than thirty (30) feet in width.
5. Suitable containers for rubbish shall be placed on the premises for public use.
6. The cumulative gross floor area of all buildings comprising a farm market shall not exceed two hundred and fifty (250) square feet.

Section 20.17 Outdoor Residential Swimming Pools

A. Permit/Application: No outdoor swimming pool on a residentially-used lot shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose and in the case of a residential lot, shall be accompanied by a plot plan (Section 2.4(B)) that identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates.

B. Standards

1. No pool or pool fencing shall be located in a front yard.
2. Setbacks for pools shall comply with Section 20.9, Accessory Buildings and Structures.
3. No pool shall be located under electrical wires and similar utility devices.
4. All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments, including cleanliness, fencing and other safety measures.
5. No swimming pool shall be occupied prior to receiving approval from the Building Inspector.

Section 20.18 Outdoor Furnaces

A. Outdoor Furnace Defined: For the purpose of this Section, “outdoor furnace” shall be defined as an accessory structure intended not to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied buildings through the burning of fuel.

B. Approval Procedure: Outdoor furnaces are classified as an accessory structure and shall be subject to Zoning Administrator approval according to Section 2.4. The Zoning Administrator shall issue a zoning permit for such furnace upon finding that the application complies with the standards and regulations of this Section and Ordinance.

C. Standards: An outdoor furnace shall be installed and used only in accordance with the following provisions:

1. Construction: An outdoor furnace shall comply with all building codes of the Village and all other regulations and requirements of county, state and federal agencies. An outdoor furnace shall meet the manufacture’s specification for erection and operation and shall exceed such specifications where local codes, state or federal regulations require so.
2. Lot Area, Yards and Setbacks: An outdoor furnace shall not be located on a lot less than two (2) acres in size, shall not be located in a front yard, and shall be set back a minimum of fifty feet (50’) from a lot line.
3. Chimney Height: The furnace shall have a chimney that meets manufacturer’s specifications for height and in no case shall a chimney be less than two (2) feet above the peak of existing buildings on adjacent and nearby lots where such buildings are within two-hundred feet (200’) of the furnace.
4. Fuel: No outdoor furnace shall rely on any fuel except wood, wood pellets, corn, and agricultural seeds, provided such materials include no additives such as paints, varnishes, preservatives, resins, and glues. For clarification purposes, prohibited fuels include, but are not limited to, rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses or waste, paint or painted materials furniture, composite shingles, construction or demolition debris or other household or business wastes, asphalt and products containing asphalt; plywood, composite wood or pressure treated woods; manufactured oils and used oils and items containing such oils; any plastic material including but not

limited to nylon, PVC, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products; and newspaper, corrugated cardboard, container board, office paper and other similar materials.

Section 20.19 Medical Marihuana

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings:

1. Marihuana: As defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.
2. Primary caregiver: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, who has been issued and possesses a registry identification card to do so according to the Medical Marihuana Act, MCL 333.26421 et seq, and who otherwise meets the definition of a primary caregiver under the Act.
3. Qualifying patient: A person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the Medical Marihuana Act, MCL 333.26421 et seq, and who has been issued and possesses a registry identification card according to the Act.

B. Authorization: The growing, distribution and use of marihuana is prohibited except as provided in this Section. The growing, possession and medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq, is permitted only as a Class 1 home occupation. Such home occupation may operate within a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient, and which shall be located within the dwelling.

1. Nothing in this Section shall be construed as authorizing any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, stores, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis, or any facility used to cultivate marihuana, except as a Class 1 home occupation according to the requirements of this Section.
2. Nothing in this Section shall be construed as authorizing any use of a lot for a club or other entity whose purpose includes the gathering of qualified patients to smoke or otherwise ingest marihuana.

C. Standards and Conditions: The following standards and conditions shall apply in addition to the standards of Section 18.9 for Class 1 home occupations, except where expressly provided otherwise. Where the following standards and conditions are more stringent than those of Section 18.9, the more stringent standards and conditions shall apply.

1. All aspects of a medical marihuana home occupation shall comply at all times with the provisions of the Michigan Department of Community Health and the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
2. No medical marihuana home occupation shall be operated by anyone other than a primary caregiver. Such primary caregiver shall reside in the dwelling on the lot where the home occupation is occurring.
3. No more than one (1) primary caregiver residing in a dwelling shall operate a medical marihuana home occupation.
4. The growing of marihuana shall be contained in a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver according to the Medical Marihuana Act, MCL 333.26421 et seq., and such containment area shall not exceed 600 square feet in floor area.
5. No more than seventy-two (72) marihuana plants shall be growing at any one time.
6. There shall be no sign erected pertaining to the home occupation.

Section 20.20 Clear Vision Zones

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and ten (10) feet above street elevation on any corner lot, within thirty (30) feet of the intersecting street right-of-way lines. No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and ten (10) feet above street elevation on any lot, within thirty (30) feet of the street right-of-way line and the edge of an intersecting driveway or other access way providing access to an off-street parking area serving a commercial, industrial, or other non-residential use, or any other use that requires six (6) or more off-street parking spaces.

Section 20.21 Outdoor Lighting

A. No outdoor lighting shall in any way impair the safe movement of traffic on any street.

B. Outdoor lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:

1. A wall, fence, or berm, at least four (4) feet in height, shall be erected to prevent headlight glare from shining onto adjacent residential property. Such wall/fence shall in no way impair safe vertical or horizontal sight distance for moving vehicles.
2. Exterior lighting shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure that:
   a. all emitted light is directed downward onto the lot upon which the light source is located.
   b. light sources shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
   c. no more than one foot candle power of light shall cross a lot line five (5) feet above the ground.
3. Subsections (1) and (2) above shall not apply to outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is designed with baffling and glare guards to ensure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a Conservation or Residential District, and such lighting is turned off during hours the facility is closed to the public.

C. Lighting designed to illuminate residences and residential yards, driveways and walkways shall comply with the following:

1. Exterior lighting in excess of six (6) feet above the ground below shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure that all emitted light is directed downward onto the lot upon which the light source is located, and that the light source shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
2. No more than one foot candle power of light shall cross a lot line five (5) feet above the ground, excluding light emitted from an approved neighborhood street lighting system.

Section 20.22 Site Condominiums

A. Intent: The intent of this Section is to provide regulatory standards for site condominium projects similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects different than similar projects developed under another form of ownership.

B. Applicability of District Regulations: A site condominium project, including single family detached units, shall comply with all standards of the district within which it is located including use, setback, height, lot coverage, lot area, and lot width requirements, and all other provisions of this Ordinance. A condominium unit in a site condominium is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the use, setback, height, lot coverage, lot area, and lot width requirements of the District within which it is located and all other provisions of this Ordinance.

C. Review and Approval Procedures:

1. Zoning Permit Required: No grading or any other form of construction shall be initiated for a site condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. Site Plan Approval Required: The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 6, Site Plan Review, and master deed and bylaw documents.
   a. In addition to the preliminary and final site plan information required by Article 6, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. Master Deed/Bylaws Approval Required: The applicant shall include as part of the Zoning Permit application a copy of the proposed master deed and bylaws. These shall be reviewed for compliance with Village ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of

the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Village, County, and state laws and regulations. The Master Deed shall also include any variances granted by Village, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan that are approved by the Village Council shall be incorporated, as approved, in the master deed for the condominium subdivision.

4. Issuance of Zoning Permit: Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Zoning Administrator a copy of the final bylaws and master deed, and a copy of the approved site plan. Upon the satisfactory submittal of these documents, the Zoning Administrator shall issue a zoning permit.
5. Changes: Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or street configuration and the addition or relocation of buildings, shall require approval by the Planning Commission prior to such change.

D. Building Permit: No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

E. Utilities: The site condominium shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

F. Streets: All streets within a site condominium shall be designed and constructed in conformance with the standards of the County Road Commission unless otherwise approved as private streets construction pursuant to this Ordinance.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium subdivision is required. The Village Council may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.6.

H. Monuments: All condominium units that are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

Section 20.23 Keeping of Animals as Accessory Residential Use

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following definitions:

1. "Household pets" shall be defined to include dogs, cats, fish, birds, hamsters and other types of commonly domesticated animals typically maintained in a residence.
2. "Livestock" shall be defined s cattle, horses, ponies, buffalo, sheep, goats, swine, ostrich, chickens, poultry, and other similar domestic animals or fowl commonly kept or raised on a farm.
   a. "Large livestock" shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon reaching maturity.
   b. "Medium livestock" shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds upon reaching maturity.
   c. "Small livestock" shall be defined as rabbits, chickens and other fowl, and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon reaching maturity, but excluding roosters.
3. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
4. "Wild animal" shall be defined as any animal that is not considered widely and commonly domesticated by humans within the State of Michigan including, but not limited to, opossum, raccoon, bear, deer, moose, elk, wolf, coyote, elephants, and wild cats such as tiger, lion, and ocelot.

B. Keeping of Wild and Vicious Animals: No wild or vicious animal shall be kept permanently or temporarily in any District.

C. Keeping of Household Pets: The keeping of household pets as an accessory use in association with any residentially-used and occupied lot is permitted provided such activities do not constitute a kennel as defined in this Ordinance, unless approval for such kennel has been granted pursuant to this Ordinance. The keeping of household pets shall comply with the following:

1. Front Yard Limitations: No outdoor pen or enclosure for such pets shall be located in a front yard.
2. Noise: Pets shall be managed so as to prohibit nuisance conditions associated with excessive noise including excessive dog barking.
3. Waste: The retention or storage of animal waste shall be managed so as not to create a nuisance due to odors, flies, fleas or other nuisance-generating conditions. The retention or storage of animal waste shall not occur within fifty (50) feet of a lot line.
4. Containment: Pets shall be contained within the dwelling or otherwise on the lot. Unrestricted or otherwise free-roaming animals are prohibited.

D. Keeping of Livestock: The keeping of livestock as an accessory use to the principal residential use of a lot is prohibited in all districts except the AR District, and shall comply with the regulations of this subsection (D). This subsection (D) shall not apply to agriculture.

1. Small Livestock:
   a. No lot used for the keeping of small livestock shall be less than one-half (1/2) acre.
   b. At no time shall the density of small livestock exceed four (4) animals per one-half acre comprising the lot.
2. Medium Livestock:
   a. The keeping of medium livestock shall occur only on parcels of two (2) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
   b. At no time shall the density of such livestock exceed one (1) animal per one-half acre comprising the lot.
3. Large Livestock:
   a. The keeping of large livestock shall occur only on parcels of five (5) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
   b. At no time shall the density of such livestock exceed three (3) animals for the first five (5) acres and one (1) animal per each additional one (1) acre comprising the lot.
4. Regulations Applicable to All Livestock:
   a. Livestock shall be managed by the occupants of the premises, and shall be maintained in a healthy condition.
   b. Any building or structure housing livestock shall be set back no less than fifty (50) feet from a lot line.
   c. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months irrespective of whether such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section. Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for no more than sixty (60) days if such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section.
   d. All livestock shall be completely enclosed by a fence of adequate height, design and construction to contain the animals.
   e. The retention or storage of animal waste shall be managed so as not to create a nuisance, and in no case shall the storage of animal waste occur within one hundred (100) feet of a lot line.
   f. No living quarters shall be located in any stable.
   g. The facility shall be constructed and maintained so that dust and drainage from a stable or other animal containment area shall not create a nuisance or hazard to adjoining property or uses.

Section 20.24 Temporary Non-Residential Buildings and Uses

A. Authorization: Temporary non-residential uses and buildings are prohibited except as authorized by this Section, upon approval of an application for such temporary condition. Such temporary uses and buildings may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary mobile homes and other buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

B. Application: An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a scaled drawing delineating the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water and sewage disposal facilities, parking and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 6, unless the approving body finds such submittal to be necessary.

C. Review and Action: The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses, except that the Village Council shall be the approving body for temporary conditions associated with a special land use or any events anticipated to attract more than one-hundred (100) persons during any single twenty-four (24) hour period. The Zoning Administrator may also refer an application to the Village Council for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Village Council. The approving body may require the submittal of additional information to adequately evaluate the merits of the request. The Village Council or Zoning Administrator may refer an application to building, police and fire officials to solicit comments regarding public health, safety and welfare concerns.

D. Permit Duration, Performance Guarantee and Removal: The permit shall specify the date by which the removal of the temporary use and associated facilities shall occur, and the approving body may require a performance guarantee according to Section 2.6. A Certificate of Occupancy shall be required for temporary buildings as may be required by the State Construction Code.

1. No permit issued under this Section shall be authorized for a period exceeding thirty (30) days except in the case where the applicant demonstrates to the satisfaction of the approving body that the nature of the temporary building or use requires a longer duration, such as in the case of a model home in a subdivision serving as a real estate office for the sale of homes or lots in the subdivision. However, in no case shall such initial authorization exceed a six (6) month period and in no case shall more than one (1) additional authorization period be granted not to exceed six (6) months. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.

E. Approval Standards: Temporary buildings and uses shall comply with the site plan approval standards of Article 6, including setbacks, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare including compatibility with surrounding land uses. In ensuring the public health, safety and welfare, the approving body shall consider demands for and accommodations for public services including police, fire, and other emergency services, and utility services, can be adequately provided. Costs for providing such services, to the extent they exceed the normal operating costs of the Village, shall be the responsibility of the owner or operator. The following additional standards and conditions shall apply:

1. In the case of a use that is intended to attract more than one-hundred (100) persons during any single twenty-four (24) hour period, or where the nature of the temporary use involves the sale of outdoor items including Christmas trees, the area of the lot on which any temporary activities shall occur, including access drives, parking, restroom facilities, and lighting, shall not be located within one-hundred fifty (150) feet of a dwelling on an adjacent lot, and the permit shall not exceed thirty (30) days in duration.

F. Garage/Yard Sales: In the case of the sale of items belonging to members of the household living on the premises where the sale is being conducted, and which is commonly referred to as a garage and/or yard sale, the maximum number of such sales shall not exceed two (2) per calendar year and each sale shall not exceed two (2) consecutive days in duration. No garage/yard sale shall be conducted on a Sunday. A permit shall be required for garage/yard sales. A garage/yard sale shall not provide for sale any pre-packaged products or products purchased with the intent of resale.

This Page Revised 4-5-2016, Sec. 20.24(F)

End of Article 20

Article 21
DEFINITIONS

Section 21.1 Construction of Language

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.

B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.

C. The word "building" includes the word "structure" and both include any part thereof.

D. The word "lot" includes the word "plot", "tract", or "parcel".

E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words “intended to be used or occupied,” “arranged to be used or occupied,” “maintained to be used or occupied,” or “designed to be used or occupied.”

G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

I. The "Village" is the Village of Vandalia in the County of Cass, State of Michigan. The "Village Council", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Village.

J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.

K. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 21.2 Definitions

Abutting: The sharing of a lot line, or portion thereof, between the subject lot and another lot, easement or other feature.

Adjacent: To abut.

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal building, and located on the same lot as the principal building except where this Ordinance expressly permits otherwise.

Accessory Use: A use customarily incidental and subordinate to the principal use of the lot, and located on the same lot as the principal use except where this Ordinance expressly permits otherwise.

Adult Foster Care Facility: An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, nor a nursing home licensed under Public Act 139 of 1956, as amended.

a. Family Home: An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.
b. Group Home: An adult foster care facility with the approved capacity to receive seven (7) but no more

than twenty (20) adults.

Agriculture: The cultivating or use of land, including associated buildings and machinery, for the commercial production of farm products including but not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.. "Agriculture" shall not be interpreted to include kennels, commercial stables, and similar activities that do not comprise the commercial production of farm products.

Airport: A facility for the landing, takeoff, shelter, supply, and repair of aircraft, licensed by the Michigan Department of Transportation, Bureau of Aeronautics and available to serve the general public.

Alley: An access way which affords a secondary means of access to abutting property along a side or rear yard but is not intended for general traffic circulation.

Alter/Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

Arcade: Any business within which are located ten (10) or more amusement devices. For purposes of this definition, amusement devices shall mean any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense items, kiddy rides, jukeboxes, bowling alleys, or pool tables, or establishments otherwise defined as sexually oriented businesses.

Assisted Living Facilities: Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips.

Basement: That portion of a building comprised of two (2) or more walls that are partly or wholly below the adjacent ground elevation, but so configured that the vertical distance from the average outdoor abutting ground elevation along the entire perimeter of such walls is greater than the vertical distance from such average elevation to the ceiling. The average outdoor abutting ground elevation shall be determined by taking measurements at ten foot (10') intervals along the entire perimeter wall length that is partly or wholly below the adjacent ground elevation. A basement shall not constitute a story. See Figure 21-1 at the end of this Article.

Bed and Breakfast: A single family dwelling occupied by the owner of the lot and which is used for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and a breakfast meal only, for overnight guests only.

Bedroom: A room in a dwelling used or intended to be used by human beings for sleeping purposes.

Berm: A mound of earth graded and shaped for visual and/or audible screening purposes, or for general landscaping purposes.

Billboard: See Article 16 for definitions pertaining to billboards and other signs.

Boarding House: A building where individual units of offered for lodging for an extended period of time, typically greater than fourteen (14) days during any single stay, for compensation, and where kitchens are not provided within such individual units but where meals may be provided in a single group dining setting to persons residing in the boarding house only. A boarding house shall be not construed to be a motel, hotel or multiple family development. A boarding house is different from a motel and hotel in that motels and hotels are used predominantly for more transient short-stay purposes.

Building: Any structure having a roof supported by columns, walls, or any other supports, which is used for housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business or other activities. This definition includes but is not limited to dwellings, garages, and greenhouses, and anything that exceeds two-hundred (200) sq. ft. in floor area irrespective of the presence of permanent location on the ground or attachment to something having permanent location on the ground.

Building Code: Codes adopted by the Village pursuant to the Michigan Construction Code and fully independent of the Zoning Ordinance, that establish minimum standards for construction such as, but not limited to, standards pertaining to foundations, footings, framing, roof loads, insulation, plumbing systems, electrical systems and fire protection.

Building Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings located thereon and measured from the buildings' exterior wall faces. Where a roof extends more than two feet (2') from the building wall, the building area shall be measured from the outer limits of the roof.

Building Height: The vertical distance measured from the average finished grade along the front of the building where it abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. See Figure 21-4 at end of this Article.

Building Inspector: An individual or entity retained by the Village to administer the Michigan Construction Code.

Building Permit: Written authority by the building inspector confirming that proposed construction is in compliance with the Michigan Construction Code.

Campground: A facility where sites are offered for use by the general public and/or members of an association or club, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters. "Campground" shall not be construed to include any facility or portion of a facility where such temporary housing sites are purchased by users or not owned by the facility owner, including but not necessarily limited to condominium ownership.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document issued by the building inspector certifying that the described property and/or construction on such property complies with the provisions of the Building Code and may be legally occupied.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. "Church" shall not be construed to mean an undertaker's chapel or funeral home.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public, and does not provide merchandise, vending, or services customarily offered on a commercial basis except incidentally for the membership and purpose of such club.

Condominium: A project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Public Act 59 of 1978, as amended).

Condominium Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

Condominium, Site: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium project, as well as the nature, location and size of common elements. A site condominium may not necessarily have vertical or volumetric limits.

Condominium Unit: That portion of a condominium designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land as in the case of a site condominium, or space which either encloses or is enclosed by a building. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining compliance of the site condominium with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum lot coverage, and similar standards pertaining to lots.

Convalescent Home: A facility that houses persons who receive a wide range of health and support services including the provision of meals and nursing care, and may also be commonly referred to as a nursing home.

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 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for

the children are attending religious services.

Day Care, Family Home: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care, Group Home: A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

Deck: An exterior floor system or platform, either attached or unattached to a building, and may be supported by posts, piers or other independent supports, the surface elevation of which at any point is higher than the surrounding ground elevation.

District: See Section 3.1.

Drive-In / Drive-Through Establishment: A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a public street or approved private street or alley, across a lot, to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance, and which is intended to principally serve the occupants of the lot. A driveway shall not be construed as a public or private street as defined in this Ordinance.

Dwelling, Multiple Family: A building containing three (3) or more dwelling units for three or more families living independently of each other.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes, which meets the standards of Sec. 20.6.

Dwelling, Two Family (Duplex): A building containing two separate dwelling units.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, sleeping and ingress/egress purposes. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the provisions of this Ordinance pertaining to dwellings. A mobile home shall be considered a dwelling unit but in no case shall a recreational vehicle, truck, bus, tent or other similar portable item be considered a dwelling unit.

Easement: A legally recorded grant of one or more of the property rights of a property owner to the public or another person or entity.

Erected: Anything built, constructed, reconstructed, extended, enlarged, moved upon, or any physical operations upon a lot required for such activities. Excavations, fill, grading, drainage, and the like, associated with something being erected, shall be considered a part of erection."

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including communication or other towers, buildings, substations, the storage of or shelters for service equipment, maintenance depots, administrative offices, and similar above ground faculties.

Excavation: Any breaking of ground, except common household gardening, agriculture and ground care.

Extraction Operation: The removal of more than fifty (50) cubic yards in any calendar year of any earthen material, including top soil, sand, gravel, stone or any other earthen material, for the purpose of sale or use or disposition on another parcel, including mining, moving, crushing, sorting, washing, and other activities directly relating to the extraction operation. Extraction operations shall not be construed to apply to excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.

Family:

a. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm Market: A place or an area where transactions between a farm market operator and customers take place on a seasonal or year-round basis, where at least 50 percent of the products marketed and offered for sale at the farm market including processed products, measured as an average over the farm market's marketing season or up to a five-year timeframe, are produced on and by a farm which is under the same ownership as the farm market itself. A farm market need not be located on the farm where the products for sale are produced, but the farm market site shall be under same ownership or lease as such farm and located in a District that authorizes agriculture. A farm market need not necessarily include a physical structure and may be commonly referred to as a roadside stand. The Farm Market GAAMPS prepared by the Michigan Commission of Agriculture and Rural Development shall be used as guidelines where a question may arise as to whether a particular activity or use constitutes a farm market under this definition.

Fence: An accessory structure intended to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

Filling: The depositing or dumping of any matter into or onto the ground.

Floor Area, Gross: The sum of all horizontal areas of all floors of a building or buildings, measured from the interior faces of exterior walls.

Floor Area, Dwelling: The sum of the floor area of each story of a dwelling unit, measured from the interior faces of the exterior walls but excluding floor area associated with a basement, unfinished attic, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable: For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise.

Frontage: The line that separates a lot from the adjacent street right-of-way or other access easement, and which is commonly referred to as the front lot line. "Frontage" shall also refer to the line that separates a waterfront lot from the adjacent water body. A waterfront lot shall be construed to include both street frontage and water frontage. "Minimum frontage" refers to the total continuous length of the front lot line. See definition for "lot lines."

Garage: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Gasoline Service Station: A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, and where minor automobile repairs may occur such as engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. A service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items, where such retail sales are authorized in the respective district.

Home Occupation: See Section 20.10.

Hospital: An institution that is licensed by the State of Michigan to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, staff offices, pharmaceutical services, and other support facilities and services.

Hotel/Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers. The term "hotel" shall include

buildings designated as motels, auto courts, tourist cabins and courts, motor courts, motor hotel, and similar lodging arrangements which are designed as integrated units of individual rooms under common ownership. A hotel shall not be construed as a multiple family dwelling. A hotel may include support services, including recreation facilities and the serving of meals, where approved for such.

Junkyard: Any outdoor area or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of scrapped, worn out, abandoned or discarded materials, which may include but need not be limited to paper, rags, glass, cans, bottles, appliances and construction materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junkyard may also be referred to as a salvage yard.

Kennel: A lot or premises on which three (3) or more dogs, or three (3) or more cats, or three (3) or more similar animals, three (3) months of age or older, are kept for compensation, either permanently or temporarily, for the purposes of breeding, boarding, housing, leasing, sale, or transfer.

Landscaping Services: A lot used for offices purposes, along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, seed, fertilizer, gravel, soil, pavers, and similar landscape supplies.

Livestock: Cattle, horses, buffalo, sheep, goats, swine, ostrich, chickens, poultry, and other similar domestic animals or fowl commonly kept or raised on a farm.

Lot: A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance, and which is described as a platted lot or portion thereof or a tract of land described by metes and bounds or a portion of such parcel described by metes and bounds. A lot may or may not be specifically designated as such on public records. Within a site condominium, a condominium unit shall be synonymous with a lot for the purposes of compliance with this Ordinance. See Figure 21-2 at end of this Article.

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private street right-of-way or easement abutting any side of the lot, except that one-half (1/2) of the area of an alley easement or right-of-way adjacent to a lot, which provides secondary access to the lot and is no greater than sixty-six (66) feet in width, shall be included within the lot area calculation.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. See Figure 21-2 at end of this Article.

Lot Coverage: The amount of a lot, stated in terms of a percentage (%), which is covered by all buildings and structures located thereon in addition to all areas comprised of wood, asphalt, concrete, stone, brick and similarly hard-surface materials and simulated materials of the same, but shall not include fences or walls.

Lot Depth: The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

Lot Lines: The lines bounding a lot. See Figure 21-4 at end of this Article.

a. Lot Line, Front:
    1. In the case of a lot not located on a corner, the line separating said lot from the street right-of-way or easement from which it gains access.
    2. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent street right-of-ways or easements unless designated otherwise on a recorded plat.
    3. In the case of a through lot, the front lot line shall be as designated on the plot plan or site plan, subject to approval of such plan.
    4. In the case of a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained.
b. Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
c. Lot Line, Side: Any lot line other than a front or rear lot line (*see Figure 21-3 at end of Article).*

Lot, Through: A lot having frontage on two (2) streets other than a corner lot *(see Figure 21-2).*
Lot Width: The straight line horizontal distance between the side lot lines, measured at the required front yard setback line.

Manufactured Housing: A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.
Manufactured Housing Community: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
Marina: A constructed facility that extends along and/or into or over a lake or stream, the primary purpose of which is to offer services to the public or private members of the facility for the docking of recreational water-craft, and may also offer accessory services such as the loading and unloading of watercraft into and out of the water, servicing and repair of watercraft, parking for persons using marina facilities, and the sale of boating supplies. The term marina shall not apply to a dock whose principal function is to serve the occupants of a dwelling on the same lot on which the dock is located.
Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.
Master Plan: The officially adopted policies of the Village addressing community growth, development, land use, and preservation, prepared according to the Michigan Planning Enabling Act, Public Act 33 of 2008, and consisting of maps, charts, and written material.
Medical Clinic: An establishment where human patients, not lodged overnight, are admitted for examination and treatment by two (2) or more physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.
Mini Storage: A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis.
Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term “mobile home” shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.
Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Nonconforming Building or Structure: A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement, yards or similar features for the District in which it is located.
Nonconforming Lot: A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the District in which it is located.
Nonconforming Use: A use of a building or structure, or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the District in which it is located.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the 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. On an inland water body that has had a level established by law, the ordinary high water mark shall mean the established maximum level.
Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Parking Space: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1996, as amended, or a prior statute.

Planned Unit Development: A form of development permitted in the Planned Unit Development District, upon review and approval under the provisions of the District, that incorporates variations in the traditional controls related to density, land use, setbacks, open space and/or other design elements, to result in a beneficial project that would not be possible under the limitations of other districts.

Plot Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

Principal Building: The main building on a lot in which the principal use exists or is served by.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Landing Strip: A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only, and recognized by a state authorized body.

Public Facility: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, Village, county, state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks and cemeteries, museums, police and fire protection facilities, courts of justice, and government offices.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; water, gas, steam, electricity, sewage disposal, communication, transportation or water.

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, and/or travel purposes, including a vehicle having its own motor power or an enclosed space mounted on or drawn by another vehicle, and which may be commonly referred to as motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length and connected to water or sewer facilities shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.

Recycling Center: A facility where material is separated and processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard. A facility that functions as an accessory use that enables the general public to drop off products such as bottles, cans, plastics, and newspapers, without the payment of a fee of any kind and which is commonly referred to as a "transfer station," for subsequent transport to another off-site facility, shall not be construed as a "recycling center."

Resort: A facility that provides overnight lodging to the general public and provides one (1) or more of the following activities to its patrons on the same site as the overnight lodging, irrespective of whether a fee may be required for such activities: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing, and related or similar uses normally associated with recreational activities.

Restaurant: A facility in which food or beverages are prepared and offered for sale for consumption on the same premises or for delivery to another location or for pick-up from another location. A banquet hall and catering service shall not be construed as a restaurant. A restaurant may be one (1) or a combination of the following:

<u>Standard Restaurant</u>: A restaurant whose principal method of operation includes one or more of the following characteristics:

a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed, within a building.
b. a cafeteria-type operation where food and beverage are consumed within a building.

<u>Delivery Service Restaurant</u>: A restaurant that includes as part of its operations the delivery of food service to the customer at another location.

<u>Take-Out Restaurant</u>: A restaurant that includes as part of its operations the serving of customers from a counter for consumption by the customer off-site.

Drive-Through Restaurant: A restaurant that includes as part of its operations the serving of customers in motor vehicles from a window.

Drive-In Restaurant: A restaurant that includes as part of its operations the serving of customers by a delivery service from the restaurant building to the customer in the customer's vehicle other than by a window, for consumption in the vehicle on the restaurant property.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Retreat Center: A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

Right-of-Way: A public or private street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. A right-of-way is delineated by legally established lines or boundaries.

Right-of-Way Line: The legal line of demarcation between a right-of-way and abutting land.

Road: See "street."

Sawmill: A facility of a permanent nature where harvested trees are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products including the processing of harvested trees that may be transported to the sawmill facility, but excluding a temporary sawmill and the harvesting of trees for use on the same lot by the owner or resident of that lot.

Setback: The minimum distance by which any specified building, structure, or use must be separated from a lot line or other specified feature. In the case of a required building front, side or rear yard setback, the setback shall be measured from the respective lot line to the nearest foundation wall or other feature of the building projecting into the respective yard unless provided for elsewhere in this Ordinance and (1) below.

1) Where a chimney, bay window, steps leading to an exterior door and any raised unroofed platforms in front of an exterior door or otherwise adjacent to a building wall, and which may be referred to as a uncovered porch, or similar architectural feature, extends from the building's principal foundation wall or footing and occupies more than twelve (12) sq. ft. of extended area beyond the building's principal foundation wall or footing, the setback shall be measured from the respective lot line to the nearest point of the extension.

Sexually Oriented Business: Refer to Article 18, Section 18.19 for definitions pertaining to sexually oriented businesses.

Shooting Range: An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment, including what are commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range.

Sign: See Article 9 for sign definitions.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. See Article 6.

Special Land Use: Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Village as a whole. All such uses are subject to a public hearing. See Article 7.

Stable, Commercial: A facility that meets one (1) or more of the following conditions:

a. Six (6) or more horses may be present on the lot at any single time, irrespective of compensation in association with one (1) or more of the horses.
b. A facility where horse shows, training exhibitions, riding academies, or similar events and activities are conducted, irrespective of the frequency or size of such events and activities.
c. A facility where horses, other than those owned by the facility operators, are provided training services and/or where training or riding lessons are offered.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor or ceiling next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement as defined herein shall not be counted as a story. A "mezzanine" floor shall be deemed a story when it covers more than fifty percent (50%) of the floor area of the story below the mezzanine, or if the vertical distance from the floor below the mezzanine to the next floor above the mezzanine is twenty-four (24) feet or more. An attic shall constitute a story when more than fifty percent (50%) of the floor area of the attic has a ceiling height of at least seven feet-six inches (7'6").

Story, Half: The uppermost story lying under a pitched roof, the usable floor area of which has a minimum clear height of seven (7) feet six (6) inches, is a minimum of one-hundred sixty (160) square feet, and does not exceed one-half (1/2) of the floor area of the story below.

Street: A thoroughfare that affords the principal means of access to abutting property. The term "street" also includes the term "road."

Street, Private: A private way or means of approach for use and operation of vehicular traffic that is not dedicated for general public use, is owned by persons, an association, or other legal entity, and the maintenance for which is the responsibility of the owners, and provides access to two (2) or more abutting lots.

Street, Public: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Village.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs, but excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as "essential services." "Structure" shall not be construed to include paved surfaces such as sidewalks and streets except where otherwise provided in this Ordinance.

Swimming Pool: A constructed basin or structure for swimming and aquatic recreation, except that basins or water containment devices that hold less than five hundred (500) gallons of water and are generally portable upon their emptying shall not be considered a swimming pool.

Tavern: An establishment, or portion thereof, serving alcoholic beverages for principal consumption on the premises.

Truck Terminal: A building or area in which freight brought by truck is assembled or stored for further routing or reshipment, or in which trailers are parked or stored during the interim between hauling runs, and may include accessory repair and maintenance services and other support facilities and services such as restroom and shower facilities.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and will mitigate an otherwise practical difficulty, and the issuance of which is based upon standards in this Ordinance. See Article 16.

Vehicle/Car Wash: A building, or portion thereof, designed and used for the washing of two (2) or more vehicles irrespective of whether the washing process is automated or performed manually.

Veterinary Clinic: An establishment which is licensed by the Michigan Department of Community Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.

Vehicle Repair Shop: Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

Village Engineer: The licensed staff engineer of the Village or a licensed engineer the Village may hire from time to time as needed.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, and cellular telephone towers. Not included in the definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. See Article 7 for additional terms and definitions pertaining to wireless communication facilities.

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein *(see Figure 21-4 at end of this Article):*

a. Front Yard**:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the principal building or other feature as may be specified. See definition for "lot lines" as applied to corner lots and through lots. A corner lot shall be construed to have two (2) front yards.
b. Rear Yard**:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the principal building or other feature as may be specified. In the case of corner lots, there shall only be one (1) rear yard which shall be determined by the owner at the time of plot plan approval. See definition for "lot lines" as applied to corner lots and through lots.
c. Side Yard**:** An open space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the principal building or other feature as may be specified.

Zoning Administrator: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Village Council.

Zoning District: See Section 3.1

Zoning Permit: Written authority signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

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Figure 21-1: BASEMENT and STORY

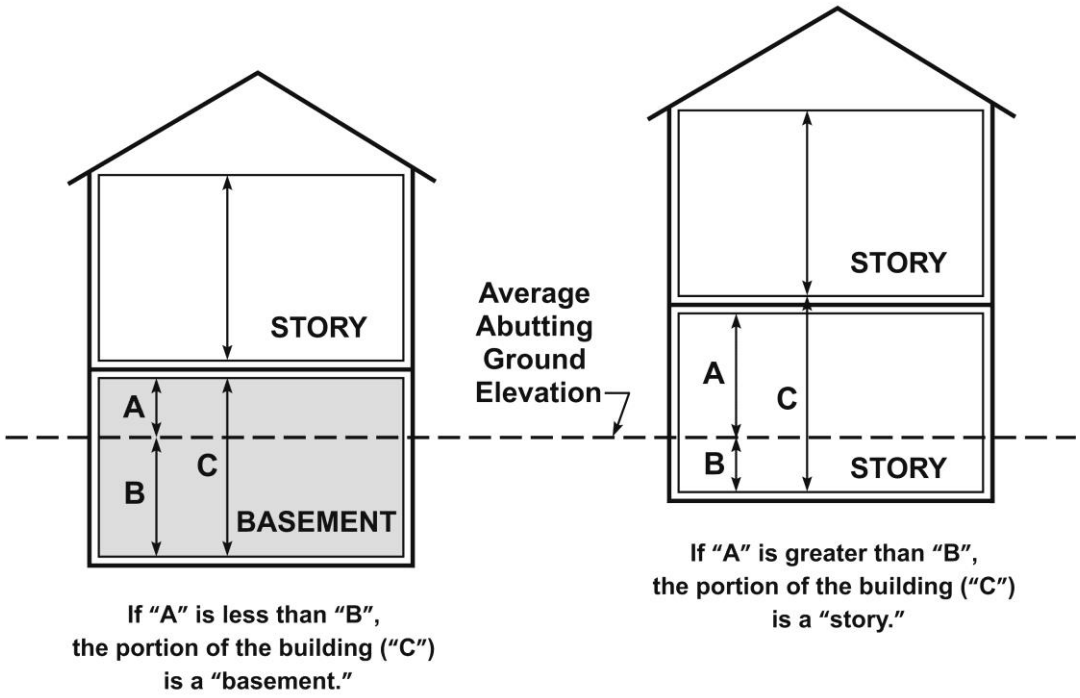


Figure 21-2: LOT TYPES

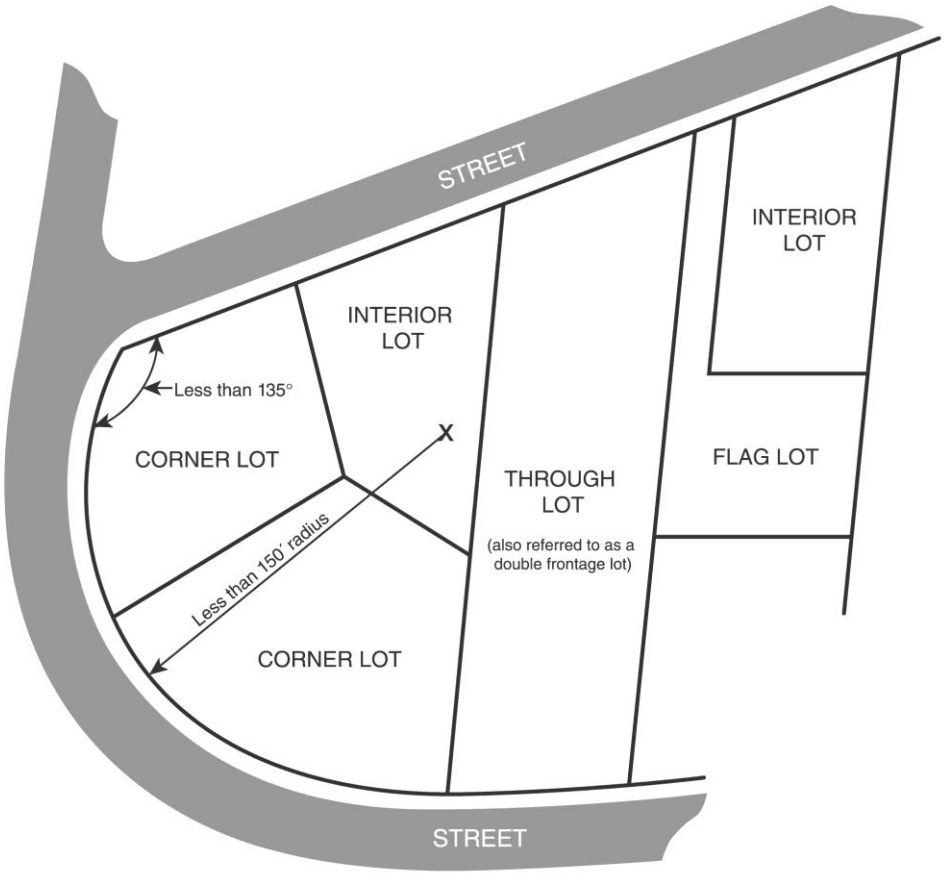


Figure 21-3
BUILDING HEIGHTS

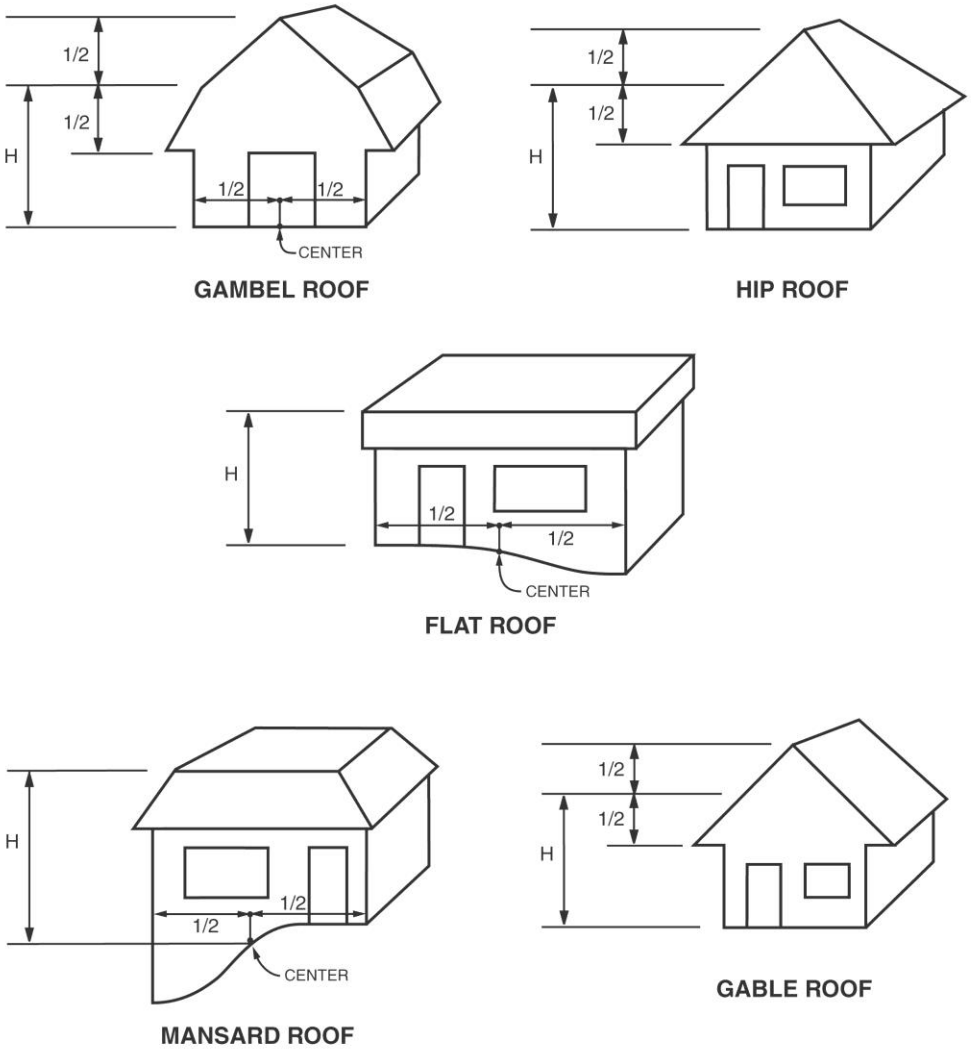
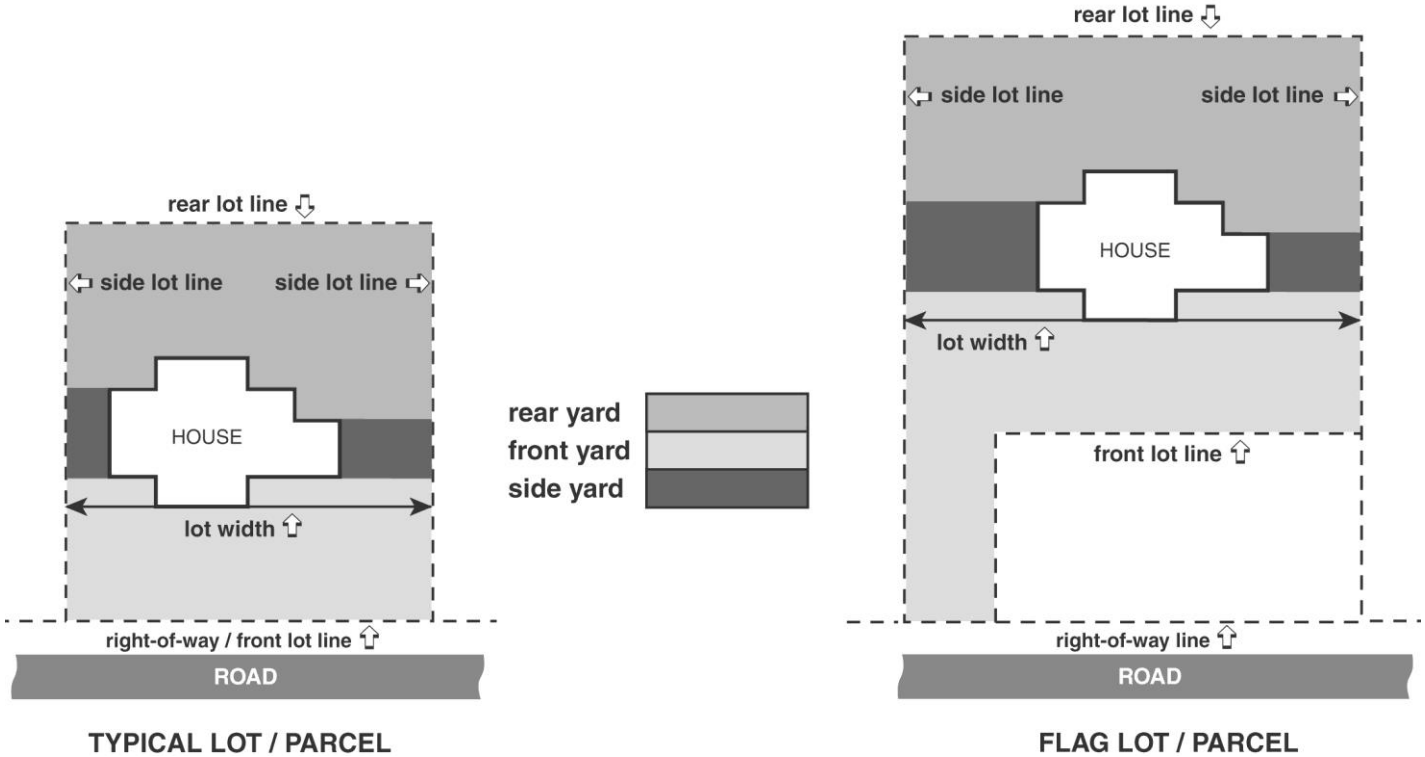


Figure 21-4
LOT LINES and YARDS



End of Article 21

Article 22
INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE

Section 22.1 Interpretation

A. Minimum Requirements: In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

B. Maintenance of Existing Law and Rules: Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, subject to subsection (C) of this Section.

C. Controlling Provisions: Where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 22.2 Severance Clause

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, land, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, land, use, building or structure not specifically included in said ruling.

Section 22.3 Vested Right

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Article 6, Nonconforming Lots, Uses and Structures.

Section 22.4 Repeal

The Village of Vandalia Zoning Ordinance adopted on November 11, 1985, and amendments thereto, is hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 22.5 Effective Date

This Ordinance shall take effect eight (8) days following adoption and upon publication of a notice of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Made and passed by the Village Council of the Village of Vandalia, Cass County, Michigan on July 11, 2016.

End of Article 22