

Village of Saranac

Comprehensive Zoning Ordinance

Adopted August 9, 2004

Amended April 13, 2009

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TABLE OF CONTENTS

<u>Article No.</u>	<u>Title</u>	<u>Page</u>
Article 1	Preamble	
	Section 30.1.00 Enactment and Authority	1-1
	Section 30.1.01 Short Title	1-1
	Section 30.1.02 Purposes	1-1
Article 2	Definitions	
	Section 30.2.00 Usage.....	2-1
	Section 30.2.01 Words and Terms Defined	2-1
Article 3	Establishment of Zoning Districts	3-1
	Section 30.3.00 Establishment of Zoning Districts	3-1
	Section 30.3.01 Zoning Map.....	3-1
	Section 30.3.02 Interpretation of District Boundaries	3-2
Article 4	LDR Low Density Residential District	
	Section 30.4.00 Description and Purpose	4-1
	Section 30.4.01 Uses Permitted by Right	4-1
	Section 30.4.02 Special Land Use	4-1
	Section 30.4.03 Permitted Accessory Uses.....	4-2
	Section 30.4.04 Area and Height Regulations	4-2
Article 5	MDR-1 Medium Density Residential District	
	Section 30.5.00 Description and Purpose	5-1
	Section 30.5.01 Uses Permitted by Right	5-1
	Section 30.5.02 Special Land Uses.....	5-1
	Section 30.5.03 Permitted Accessory Uses.....	5-2
	Section 30.5.04 Area and Height Regulations	5-2
Article 6	MDR-2 Medium Density Residential District	
	Section 30.6.00 Description and Purpose	6-1
	Section 30.6.01 Uses Permitted by Right	6-1
	Section 30.6.02 Special Land Uses.....	6-1
	Section 30.6.03 Permitted Accessory Uses.....	6-2
	Section 30.6.04 Area and Height Regulations	6-2
Article 7	HDR High Density Residential District	
	Section 30.7.00 Description and Purpose	7-1
	Section 30.7.01 Uses Permitted by Right	7-1
	Section 30.7.02 Special Land Uses.....	7-1
	Section 30.7.03 Permitted Accessory Uses.....	7-2
	Section 30.7.04 Area and Height Regulations	7-2
Article 8	MHP-Manufactured Home Park District	
	Section 30.8.00 Description and Purpose	8-1
	Section 30.8.01 Uses Permitted by Right	8-1
	Section 30.8.02 Special Land Uses.....	8-1

	Section 30.8.03 Permitted Accessory Uses.....	8-1
	Section 30.8.04 Area and Height Regulations	8-2
Article 9	NS-Neighborhood Service District	9-1
	Section 30.9.00 Description and Purpose	9-1
	Section 30.9.01 Uses Permitted by Right	9-1
	Section 30.9.02 Special Land Uses.....	9-1
	Section 30.9.03 Permitted Accessory Uses.....	9-2
	Section 30.9.04 Area and Height Regulations	9-2
Article 10	OSP-Open Space Preservation / Flood Plain District	10-1
	Section 30.10.00 Description and Purpose	10-1
	Section 30.10.01 Uses Permitted by Right	10-1
	Section 30.10.02 Special Land Uses.....	10-1
	Section 30.10.03 Area and Height Regulations	10-2
Article 11	CBD Central Business District	11-1
	Section 30.11.00 Description and Purpose	11-1
	Section 30.11.01 Uses Permitted by Right	11-1
	Section 30.11.02 Special Land Uses.....	11-2
	Section 30.11.03 Permitted Accessory Uses.....	11-3
	Section 30.11.04 Area and Height Regulations	11-3
	Section 30.11.05 Landscape Requirements	11-3
Article 12	IND – Industrial District	12-1
	Section 30.12.00 Description and Purpose	12-1
	Section 30.12.01 Uses Permitted by Right	12-1
	Section 30.12.02 Special Land Uses.....	12-2
	Section 30.12.03 Permitted Accessory Uses.....	12-3
	Section 30.12.04 Area and Height Regulations	12-3
	Section 30.12.05 Landscape Requirements	12-4
Article 13	I/S – Industrial/Service District	13-1
	Section 30.13.00 Description and Purpose	13-1
	Section 30.13.01 Uses Permitted by Right	13-1
	Section 30.13.02 Special Land Uses.....	13-1
	Section 30.13.03 Permitted Accessory Uses when Located on the same Lot as a Permitted Primary Use.....	13-2
	Section 30.13.04 Area and Height Regulations	13-2
	Section 30.13.05 Landscape Requirements	13-3
Article 14	Commercial Planned Unit Development District (C-PUD)	14-1
	Section 30.14.00 Description and Purpose	14-1
	Section 30.14.01 Eligibility Criteria	14-1
	Section 30.14.02 Permitted Uses	14-1
	Section 30.14.03 Design Standards	14-1
Section 15	Residential Planned Unit Development District (R-PUD)	15-1
	Section 30.15.00 Description and Purpose	15-1
	Section 30.15.01 Eligibility Criteria	15-1

	Section 30.15.02 Permitted Uses	15-1
	Section 30.15.03 Design Standards	15-2
Section 16	Planned Unit Developments-General	
	Section 30.16.00 Purpose.....	16-1
	Section 30.16.01 Procedures.....	16-1
Section 17	General Provisions	
	Section 30.17.00 Effect of Zoning.....	17-1
	Section 30.17.01 Minimum Regulations	17-1
	Section 30.17.02 Yards and Lots	17-1
	Section 30.17.03 Unclassified Uses.....	17-1
	Section 30.17.04 Zoning Compliance Permit Required	17-2
	Section 30.17.05 Certificate of Occupancy Required.....	17-2
	Section 30.17.06 Mixed Occupancy	17-2
	Section 30.17.07 Temporary Permits.....	17-2
	Section 30.17.08 Structures, General and Exceptions	17-3
	Section 30.17.09 Lots	17-6
	Section 30.17.10 Utilities.....	17-7
	Section 30.17.11 Location of Off-Street Parking Facilities.....	17-7
	Section 30.17.12 Parking and Storage	17-7
	Section 30.17.13 Animals, Livestock and Fowl (Use, Shelter and Storage)	17-8
	Section 30.17.14 Keeping of Wild Animals	17-9
	Section 30.17.15 Essential Public Service Installations	17-9
	Section 30.17.16 Excavation of Top Soil	17-9
	Section 30.17.17 General Lighting and Screening Requirements	17-9
	Section 30.17.18 Refuse, Refuse Containers	17-10
	Section 30.17.19 Uses Prohibited in Front Yard	17-11
	Section 30.17.20 Accessory Uses Not Permitted.....	17-11
	Section 30.17.21 Dwellings located outside of Mobile Home Parks ..	17-11
	Section 30.17.22 Traffic Visibility and Corner Clearance	17-12
	Section 30.17.23 Commercial driveways	17-12
	Section 30.17.24 Joint/Shared Driveways	17-13
	Section 30.17.25 Private Streets	17-13
Article 18	Supplementary Regulations	
	Off-Street Parking and Loading Provisions	
	Section 30.18.00 Off-Street Parking and Loading Provisions	18-1
	Section 30.18.01 Parking and Circulation Development Standards	18-1
	Section 30.18.02 Internal Access Drive.....	18-5
	Section 30.18.03 Required Construction	18-5
	Section 30.18.04 Entrances and Exits.....	18-5
	Section 30.18.05 Drainage.....	18-5
	Section 30.18.06 Parking Lot Location	18-5
	Section 30.18.07 Required Lighting	18-6
	Section 30.18.08 Landscaping	18-7
	Section 30.18.09 Loading Spaces	18-7
	Section 30.18.10 Deferred Parking (Non-Residential Uses)	18-7

Section 30.18.11 Miscellaneous Off-Street Parking Provisions	18-8
Section 30.18.20 Signs and Billboards: General Regulations	18-8
Section 30.18.21 Definitions.....	18-9
Section 30.18.22 Prohibited Signs	18-11
Section 30.18.23 Signs Exempted	18-12
Section 30.18.24 Signs Not Needing a Permit.....	18-12
Section 30.18.25 Sign Permits and Application	18-12
Section 30.18.26 Design, Construction and Location Standards.....	18-13
Section 30.18.27 Sign Regulations applicable to all Districts	18-14
Section 30.18.28 Signs in the Residential and OSP Districts	18-15
Section 30.18.29 Signs in the NS, CBD and Commercial PUD Districts	18-16
Section 30.18.30 Signs in the IND-Industrial and I/S Industrial/ Service Districts	18-16
Section 30.18.40 Landscaping Standards	18-17
Section 30.18.41 Buffer Yards Required.....	18-17
Section 30.18.42 Minimum Landscaping within Required Buffer Yards	18-17
Section 30.18.43 Off-Street Parking Areas.....	18-19
Section 30.18.44 General Landscape Standards	18-20
Section 30.18.45 Home Occupations.....	18-23
Section 30.18.50 Wireless Communication Facilities.....	18-27
Section 30.18.51 Level 1 – Circumstantial Permitted Uses and Permitted Uses Within Certain Zoning Districts.....	18-28
Section 30.18.52 Level 2 - Special Uses	18-29
Section 30.18.53 Level 3 - Special Uses	18-29
Section 30.18.54 Standards And Conditions Applicable To All WCF Facilities	18-29
Section 30.18.55 Standards And Conditions Special Use Facilities ...	18-31
Section 30.18.56 Application Requirements.....	18-32
Section 30.18.57 Co-Location.....	18-33
Section 30.18.58 Removal.....	18-35

Article 19 Site Plan Review

Section 30.19.00 Site Plan Review & Approval Regulations	19-1
Section 30.19.01 Site Plan Content & Accompanying Information	19-1
Section 30.19.02 Review Standards	19-3
Section 30.19.03 Conditions	19-4
Section 30.19.04 Review Procedures	19-4
Section 30.19.05 Changes to an Approved Site Plan	19-5
Section 30.19.06 Time Limits and Expiration of an Approved Site Plan.....	19-6
Section 30.19.07 Performance Guarantee	19-6
Section 30.19.08 Compliance, Violation, Revocation of Approval	19-7

Article 20 Special Land Uses

Section 30.20.00 Description and Purpose.....	20-1
Section 30.20.01 Applicability	20-1

Section 30.20.02	Procedures for all Special Uses	20-1
Section 30.20.03	Conditions	20-2
Section 30.20.04	Changes to an Approved Special Land Use	20-3
Section 30.20.05	Time Limits and Expiration of Permit	20-3
Section 30.20.06	Performance Guarantee	20-4
Section 30.20.07	Compliance, Violation, Revocation of Permit	20-4
Section 30.20.08	Appeal and Variances.....	20-4
Section 30.20.09	Re-application	20-5
Section 30.20.10	General Standards.....	20-5
Section 30.20.11	Developmental Impact Assessments	20-6
Section 30.20.12	Special Use Design Standards and Listed Uses	20-7

Article 21 Open Space Preservation Projects

Section 30.21.00	Purpose and Applicability	21-1
Section 30.21.01	Review Procedure.....	21-1
Section 30.21.02	Items Submitted for Review.....	21-1
Section 30.21.03	Determination of Number of Lots	21-2
Section 30.21.04	Open Space Requirements.....	21-3
Section 30.21.05	Development Requirements	21-4

Article 22 Site Plan Review and Approval of Site Condominium Projects

Section 30.22.00	Purpose and Scope.....	22-1
Section 30.22.01	Definitions	22-1
Section 30.22.02	Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements.....	22-3
Section 30.22.03	Planning Commission Recommendation	22-5
Section 30.22.04	Review and Recommendation concerning Final Plans by Planning Commission	22-5
Section 30.22.05	Review and Consideration of Site Plan Approval by the Village Council.....	22-6
Section 30.22.06	Contents of Final Site Plan Condominium Project Plan.....	22-7
Section 30.22.07	Construction Schedule; Commencement of Construction; Issuance of Permits.....	22-7
Section 30.22.08	Expandable or Convertible Condominium Projects..	22-8
Section 30.22.09	Review and Approval of Changes to Approved Site Condominium Projects.....	22-8
Section 30.22.10	Incorporation of Approved Provisions in Master Deed	22-8
Section 30.22.11	Approval Effective for One (1) Year; Extensions.....	22-8
Section 30.22.12	Exemption of Existing Projects.....	22-8

Article 23 Nonconforming Uses and Structures

Section 30.23.00	Nonconforming Uses and Structures	23-1
Section 30.23.01	Discontinuance of Nonconforming Uses and Structures	23-1
Section 30.23.02	Restoration and Repair	23-1
Section 30.23.03	Change of Use	23-1

	Section 30.23.04 Specific Signs	23-1
	Section 30.23.05 Nonconforming Lots of Record	23-1
	Section 30.23.06 Expansion	23-2
Article 24	Zoning Board of Appeals	
	Section 30.24.00 Authorization.....	24-1
	Section 30.24.01 Membership.....	24-1
	Section 30.24.02 Powers and Duties	24-1
	Section 30.24.03 Organization and Conduct of Business	24-2
	Section 30.24.04 Conditions of Zoning Board of Appeals Approval ...	24-3
	Section 30.24.05 Time Limits	24-3
	Section 30.24.06 Final Decisions	24-3
	Section 30.24.07 Effect of Appeals Proceedings	24-4
	Section 30.24.08 Application Procedures	24-4
	Section 30.24.09 General Procedural Steps	24-4
	Section 30.24.10 Standards for Variances.....	24-6
Article 25	Administration	
	Section 30.25.00 Administration.....	25-1
	Section 30.25.01 Enforcement by Zoning Administrator	25-1
	Section 30.25.02 Duties of the Zoning Administrator	25-1
	Section 30.25.03 Application Procedures	25-2
	Section 30.25.04 Contents of Application.....	25-2
	Section 30.25.05 Fees.....	25-3
	Section 30.25.06 General Procedural Steps	25-3
	Section 30.25.07 Approval	25-3
	Section 30.25.08 Denial of Zoning Compliance Permit	25-4
	Section 30.25.09 Time Limits	25-4
	Section 30.25.10 Inspection	25-4
	Section 30.25.11 Cancellation of Permit.....	25-4
	Section 30.25.12 Amount of Surety	25-4
	Section 30.25.13 Return of Surety and Rebates	25-4
	Section 30.25.14 Withholding and Partial Withholding of Surety.....	25-4
	Section 30.25.15 Performance Guarantee for Moving of Buildings.....	25-4
	Section 30.25.16 Schedule of Fees.....	25-5
	Section 30.25.17 Violations	25-5
Article 26	Amendments	
	Section 30.26.00 Amendment Procedure	26-1
	Section 30.26.01 Procedure for Amendment Petitions	26-3
Article 27	Miscellaneous	
	Section 30.27.00 Interpretation of Ordinance	27-1
	Section 30.27.01 Severability (Separability).....	27-1
	Section 30.27.02 Repeal of Previous Ordinance	27-1

VILLAGE OF SARANAC
A Comprehensive Zoning Ordinance for
the Village of Saranac, Ionia County, Michigan

Article 1

Preamble

30.1.00 Enactment and Authority

The Village Council of Saranac in the County of Ionia, under the authority of the Michigan Zoning Enabling Act, also known as Act 110 of the Public Acts of 2006, of the State of Michigan, as amended, hereby ordains, enacts and publishes this Ordinance.

30.1.01 Short Title

This ordinance shall be known as the "Village of Saranac Zoning Ordinance".

30.1.02 Purposes

The Village of Saranac Zoning Ordinance is hereby established in accordance with the needs of the Village of Saranac. The text, map, and schedules contained herein shall constitute this Ordinance. Said Ordinance is adopted for the following purposes:

- A. To protect and promote the public health, safety and general welfare of the Village.
- B. To protect and preserve the value of land throughout the Village and the value of buildings appropriate to the various districts established by this Ordinance.
- C. To assure that the residential and business environment of the Village is safe, healthful and free of blighting appearances.
- D. To provide for a range of building opportunities in a planned, orderly pattern and manner within the Village.
- E. To protect the natural environment from the pollution of air, streams and ponds; and to encourage the wise development and sound management of all natural resources in order to preserve the stability, beauty and character of the community.

Article 2

Definitions

Sec. 30.2.00 Usage

For the purposes of this ordinance, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.

- A. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means in this ordinance; the word "regulation" means the regulations of this ordinance and the words "this ordinance" shall mean "the ordinance text, tables and maps included herein, as enacted or subsequently amended".
- B. A "person" includes a corporation, firm, partnership, as well as an individual, or an unincorporated association of persons such as a club or any other entity; "shall" is always mandatory; a "lot" includes a plot or parcel; a "building" includes a structure; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
- C. The "Village" is Village of Saranac of the County of Ionia, in the State of Michigan. The "Village Board" or "Village Council" is the "Village Council"; the "Zoning Board of Appeals" is the Village Council when acting as the Zoning Board of Appeals and the "Planning Commission" the Planning Commission of the Village of Saranac.
- D. Unless the context clearly indicates otherwise, titles or "catch lines" are for reference only and are not regulatory in nature.

Sec. 30.2.01 Words and Terms Defined

Accessory Building: A building or structure located on the same lot with the principal or main building. An accessory building is detached from the main building. Where a structure is attached to a main building in a manner by a wall or roof; it shall be considered a part of the main building.

Accessory Use: A use customarily and normally incidental and subordinate to the principal use or structure, and located in the same lot with such principal use or structure.

Adult Day-Care Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which from 1 to 6 adults who are aged, mentally ill, developmentally disabled, or physically handicapped are received for care and supervision for periods of less than 24 hours a day. The physical facility and operation of the home shall comply with all applicable federal, state and local laws or regulations. An adult day-care home does not include any establishment commonly described as an alcohol or a substance-abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

Adult Day-Care Center: A facility, other than a private residence, in which 1 or more adults who are aged, mentally ill, developmentally disabled, or physically handicapped are received for care and supervision for periods of less than 24 hours a day. The physical facility and operation of the center shall comply with all applicable federal, state and local laws or regulations. An adult day-care center does not include any establishment commonly described as an alcohol or a substance-abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

Adult Foster Care Family Home: A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 24 hours a day, 5 or more days a week and for 2 or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act No 218 of the Public Acts of 1979, MCL 400.701 et seq., or as subsequently approved. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult Uses/ Sexually Oriented Business: Reference definitions contained in Article 20.

Agriculture: The commercial cultivation, tilling or use of land for the purpose of growing and storing crops thereon, or of animal or poultry husbandry.

Alterations: Any change, addition or modification in construction or type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.

Apartment: That portion of a multiple dwelling which has a common front or rear yard with some other apartment in the multiple dwelling, but which has self-contained facilities for living, sleeping and cooking and which is designed for and occupied by one family.

Automobile Repair - Major: Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicle rust-proofing.

Automobile Repair - Minor: Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

Automobile Or Car Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Basement Or Cellar: A portion of a building having more than one-half (1/2) of its height below grade. A basement or cellar shall not be counted as a story for the purpose of the height regulations nor shall its living area be calculated in meeting minimum floor area requirements.

Bluff: The top of a steep bank rising sharply from the water's edge.

Boarding, Lodging, Or Rooming House: A dwelling primarily used for the purpose of providing long term lodging or both meals and lodging for compensation. Such house is to be distinguished from a hotel, motel, or an institutional use such as a convalescent or nursing home.

Bottom Land: The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water. (P.A. 346 of 1972)

Buildable Area: Contiguous land excluding land subject to flooding six (6) months of the year, poor drainage, slopes in excess of 20%, rock outcrops, and land encumbered by easements.

Building: A structure constructed of but not limited to such materials as wood, metal, canvas, cement or plastic, either temporary or permanent, having a roof supported by walls, columns, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying out business activities. This definition includes manufactured homes, tents, sheds, garages, greenhouses and similar accessory structures.

Building, Main Or Principal: A building in which is conducted the principal use of the lot parcel or building site on which it is situated.

Building Line: A line parallel to the front lot line, and which marks the location of the building.

Building Envelope: The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

Building site: A Lot or parcel of land intended or used for building development purposes. In the context of a condominium project, an area within a site condominium project equivalent to the term lot which may be either:

- A. The area within the site condominium unit itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the site condominium unit itself (as described in paragraph A. immediately above), together with the area of any contiguous and appurtenant limited common element.

Carport: A roofed structure providing space or the parking of motor vehicles and enclosed on not more than three sides

Child Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, for not less than 2 consecutive weeks (regardless of the number of hours of care per day), and where the parents or guardians are not immediately available to the child, including facilities described as day care centers, day nurseries, nursery schools, parent cooperative preschools, play groups and drop-in centers (as licensed or registered and regulated under

the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., as amended).

College or University: An educational institution authorized by the state to award associates, baccalaureate, or higher degrees.

Commercial Use: A building or lot used in connection with the purchase, sale barter, display or exchange of goods, wares, merchandise or personal services, or the maintenance of service offices or recreation or amusement enterprises, or garage, basement or yard sales operating more than twelve days during any twelve month period.

Construction: The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction. This does not include agricultural operations other than the erection of buildings.

Condominium, Site Condominium: Reference Article 21

Convalescent, Nursing Home: A convalescent home, or nursing home is a home wherein seven (7) or more persons are cared for and is for the aged or infirm, or a resting place for those suffering bodily disorders. Said home shall conform and qualify for a license under State Law.

Co-location: The use of a single support structure, building and/or site by more than one wireless communication provider.

Comprehensive Land Use Plan, Master Plan, General Development Plan: The Plan established to base zoning decisions and guide land use and development within the Village as adopted by the Planning Commission and/or Village Council of the Village of Saranac, as currently in effect and as hereafter amended from time to time.

Cul-de-sac: The turn around at the end of a dead-end street.

Dish Antenna: Dish antenna shall mean an earth based station whose purpose is to receive communications or other signals from orbiting satellites or other extraterrestrial sources together with other equipment related to such purposes.

Driveway: A private path of travel over which a vehicle may be driven which provides access to one or two parcels of land to a public street.

Driveway, Joint/Shared: A single private path of travel over which a vehicles may be driven which provides access to two (2) adjoining residential lots or parcels and up to four (4) commercial, industrial or multifamily lots or parcels and the use of which is governed by recorded driveway and access easement provisions.

Dwelling, Multiple (Multi-) Family: A building or portion thereof, used or designed for occupancy by more three (3) or more families living independently of each other. This definition does not include two-family dwellings.

Dwellings, Attached: A group of three or more dwelling units which are joined to one another by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance.

Dwelling, Single Family (Detached): A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

Dwelling, Two-Family: A detached building used or designed for use exclusively by two (2) families living in separate dwelling units and each doing their own cooking in said building. It may also be termed a "duplex."

Dwelling, Underground: See Underground Homes definition.

Dwelling Unit Or Dwelling: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or temporarily, but in no case shall a motor home trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of partial occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

Efficiency Unit (Studio): A dwelling unit for one (1) individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets and the like.

Essential Public Services: The erection, construction, alteration or maintenance by public utilities or municipal government of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems. municipal offices and garages, (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchanges and/or repeater buildings, electric substation, gas regulators, stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal government for the public health, safety or general welfare.

Family:

- A. A person living alone or two or more persons related by blood, marriage, or adoption, including foster children and domestic help living together as a single housekeeping unit in one dwelling unit.
- B. A group of persons cooking and living together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and which represents a single nonprofit housekeeping unit intended to endure for the indefinite future. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, organization, group of students or other group of persons whose domestic relationship is of a transitory, seasonal or commercial in nature, or is for an anticipated limited duration such as a school term or a period of rehabilitation or treatment.

Family Day-Care Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which from 1 to 6 minor children are received for care and supervision for periods of less than 24 hours a day, for more than 4 weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., or as may subsequently be amended).

Fence: An artificially constructed barrier of any non-vegetative material or combination of materials erected to serve as a physical barrier, marker, screen or enclosure.

Foster Family Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which 1 but not more than 4 minor children, who are not related to an adult member of the household by the blood, marriage, or adoption, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian, (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., or as may subsequently be amended).

Foster Family Group Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which more than 4 but less than 7 minor children, who are not related to an adult member of the household by the blood, marriage, or adoption, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian, (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, MCL 722.111 et seq., or as may subsequently be amended)

Floor Area: The sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls from the center line of walls separating two (2) buildings. Floor area shall not include elevator shafts and stairwells at each floor, floor space used for mechanical equipment, attic space having headroom of seven (7) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, porches, or attached garages are not included, except, however, that the floor area of the building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level, or finished lot grade, whichever is higher.

Garage, Automotive Commercial: Any premises available to the public, and used solely for the parking or storage of automobiles or motor driven vehicles, for remuneration, hire or sale, and/or where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed. This does not include private parking garages and/or automobile repair or maintenance facilities which are accessory to a principle use, and where such facilities are only used for vehicles associated with the principle use whether commercial or otherwise without a fee. An example of an automotive garage example exclusion: A public schools bus garage.

Greenbelt Or Buffer Strip: The strip of land not less than ten (10) feet in width which is planted and maintained with trees acceptable to the Zoning Administrator of from five (5) to six (6) feet in height spaced not more than ten (10) feet apart; or hedge row of suitable shrubs not less than four (4) feet in height; not more than three (3) feet apart.

Group Day-Care Home: A private home (which is the bona fide permanent residence of the operator of the group day-care home) in which more than 6 but not more than 12 minor children are received for care and supervision for periods of less than 24 hours a day, for more than 4 weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption (as licensed or registered and regulated under the Child Care Organizations Act,

Act No. 116 of the Public Acts of 1973, MCL 722.11 et seq., or as may subsequently be amended).

Height: the vertical dimension of a building or structure measured from the average elevation of the finished grade of the lot at the front of the building to the top of the structure. In the case of a flat roof, the top shall be the highest point of the structure; in the case of a gable, shed, hip or gambrel roof, the top shall be measured to the average distance between the plate and the ridge.

Home Occupation: A profession or other occupation not otherwise permitted in the district, which is conducted as an accessory use on a residential lot by at least one (1) member of the family residing on the premises, and which conforms to the provisions of this Ordinance.

Institutional Uses: Churches, schools, hospitals and other similar public or semi public uses. This excludes nursing home, convalescent homes, group homes and adult foster care facilities.

Junk Yard: Any land used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage and salvaging of machinery, vehicles or other personal property for the sale of parts thereof, or for any other purposes.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred (500) square feet of area.

Lot: A plot, or parcel of land excluding any portion of a street right of way of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and open spaces as are required by this ordinance. A lot may or may not be the land shown on a duly recorded plat. A lot is the same as a building site in the context of a site condominium project and may consist of a single lot of record, a portion or portions of a lot(s) of record, any combination of complete and/or portions of lots of record or a parcel of land described by metes and bounds. Ref. Building Site.

Lot Area: The area of land within the boundaries of a lot or parcel of land excluding any public or private street right of way and any part of the lot beneath the high water mark of any natural or manmade body of water that is not totally and completely encompassed by the boundaries of the lot.

Lot, Corner: A lot in which lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve (measured at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

Lot Line: A boundary line of a lot.

Lot Line, Front: The exterior line or right-of-way of a road on which a lot fronts or abuts.

Lot Line, Rear: Ordinarily that lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular lot, a line at least ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line shall be considered to be the rear lot line for the purpose of determining the depth of the required rear yard.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot Of Record: A lot which exists in a platted subdivision or site condominium subdivision plan as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The minimum distance between side lot lines. Lot width shall be measured as follows:

- A. Lot width where side lot lines are parallel - The required width shall be measured on a straight line which is perpendicular to the side lot lines. No point on such measuring line shall be closer to the front property line than the depth of the required front yard.
- B. Lot width where side lot lines are not parallel - The required lot width shall be measured on a straight line (which shall be a measuring line) that is parallel to the street line connecting the side lot lines at points where they intersect the front property line. The measuring line for determining required lot width shall be located no greater than 60 feet from the front property line/right of way line and the required minimum lot width must be maintained at all points behind which a building or structure is situated. Ref. Section 30.17.09

Master Plan: Reference Comprehensive Land Use plan or General Development plan

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1967). All mobile homes must conform to the U. S. Department of Housing and Urban Development's Code for Mobile Homes. Mobile home includes a double-wide unit.

Mobile (Manufactured) Home Park: A parcel or tract of land, under the control of a person upon which three (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 charge is made. Therefore, together with any building, structure, enclosure, street, equipment or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as a recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

Modular: A structure which meets the requirements of the B.O.C.A. building and construction code, and which is transported in one or more sections on a removable chassis, and is designed to be used on a permanent foundation, and when connected to the required utilities, such as plumbing, heating and electrical systems.

Motel, Hotel Or Motor Hotel: A building or a series of attached, semi-detached or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building.

Non-conforming Lot Of Record (Substandard lot): A lot lawfully existing at the effective date of this Ordinance, or an affecting amendment to this ordinance, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Non-conforming Structure: A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment to this ordinance, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

Non-conforming Use: A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment to this ordinance, and which fails to conform to the use regulations of the zoning district in which it is located.

Planning Commission: The Saranac Planning Commission which has been authorized by the Village Council to carry out the powers and responsibilities of a planning commission pursuant to P.A. 285 of 1931 as amended.

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

Public Utility. Except for Wireless Communication Facilities, any person, firm, corporation, municipal department or Council duly authorized to furnish and furnishing under state or municipal regulations to the public: electricity, gas, steam, communications, telephonic, transportation or water.

Quarry, Quarrying Operation: Any place where stone, gravel minerals or other natural materials, including topsoil, is removed for the purpose of sale or any other commercial purposes, other than such as may be incidental to excavating or re-grading in connection with or in anticipation of building development or landscaping on the site.

Recreation Vehicle: A vehicle primarily designed as temporary living quarters for recreational camping, or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle (Act 4191 Michigan P.A. of 1975 as amended).

River's Edge (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 soil, and the vegetation.

Road or Street Frontage: The length of the lot line which borders a public street or road.

Road, Public or Private: See definitions of Street, Public and Street, Private

Sanitary Landfill: Any operation that is required to be licensed by the State of Michigan or its agencies as a sanitary landfill and/or is subject to the requirements of having such a license.

Setback: The horizontal distance measured from a front, side or rear lot line inward toward the part of the building nearest to that lot line. Minimum setback shall be the

minimum yard measurement that is required for a building to be placed from a lot line under the terms of this ordinance. Ref. Yard, required front, side and rear.

Setback, Established: The average setback of the structures located on the two lots immediately adjacent to a lot.

Sewage Treatment Facility: A sewage treatment facility, also known as waste treatment plant, is a series of tanks, screens, filters, and other processes by which pollutants are removed from water.

Septic System, Septic Tank: An individual system or tank used for domestic wastes when a sewer line is not available to carry them to a sewage treatment facility. Wastes are piped into underground tanks directly from the home or homes. Bacteria in the wastes decompose the organic waste and the sludge settles on the bottom of the tank. The effluent flows out of the tank into the ground through drains. Periodically, sludge are pumped out of the tank.

Signs: Reference definitions contained in Article 18.

Site Plan Review: The submission of plans for review, as part of the process of securing zoning approval.

Special Use Permit: A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the community, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

Street, Private: An irrevocable easement running with the land to three or more owners of adjacent properties which provides access to those properties and which is not dedicated for general public use. Ref. Section 30.17.25.

Street, Public: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

Street, Arterial: Those streets of considerable continuity which are used primarily for through, fast or heavy traffic. Arterial streets include Bridge Street, Mill Street, East Main/Riverside Street, Mill Street and Summit Street.

Structure. Any constructed, erected or placed material or combination of materials in or upon the ground, including, but not by way of limitation, buildings, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Temporary Building Or Use: A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main use or for special events, as may be permitted herein, not to exceed six (6) months.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes radio and television transmission towers, microwave towers, common

carrier towers, cellular telephone towers, alternative tower structures and the like. Tower includes the structure thereof and any support thereto.

Townhouse: That portion of a multiple dwelling which has a common sidewall with some other dwelling unit in the building but which extends throughout the vertical height of the structure and provides separate or individual front and rear yard areas and which has self-contained facilities for living, sleeping and cooking and which is designed for occupancy by one family.

Underground Home: A dwelling unit the roof of which is covered with earth, and which on at least two (2) sides does not extend upward more than the surrounding grade levels within fifty (50) feet. One side of said dwelling must be entirely exposed.

Variance: A varying or relaxation of any of the requirements of the zoning ordinance by the Zoning Board of Appeals; and where such variance will not be contrary to the public interest.

Wireless Communications Facilities (WCF). All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

- A. Attached Wireless Communications Facilities. Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A newly proposed wireless communication support structure shall not be included within this definition.
- B. Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, mono-poles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Yard: An open space on a lot, unoccupied and unobstructed from the ground upward; except as otherwise permitted in this Ordinance.

Yard, Required Front: The minimum required yard measured from the front lot line into the interior lot area.

Yard, Required Rear: The minimum required yard measured from the rear lot line into the interior lot area.

Yard, Required Side: The minimum required yard measured from the side lot line into the interior lot area.

Zoning Board Of Appeals or Board of Appeals: any reference within the village of Saranac Zoning ordinance to the Zoning Board of Appeals (ZBA), or Board of appeals shall mean the Village Council of the Village of Saranac when acting as the Zoning board of Appeals or Board of Appeals, which is authorized as the body to interpret, hear appeals, and grant variances only in accordance with the provisions of this Ordinance.

Zoning Compliance Permit: A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Village of Saranac.

Article 3

Establishment Of Zoning Districts

Sec. 30.3.00 Establishment of Zoning Districts:

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

LDR	Low Density Residential Districts
MDR-1	Medium Density Residential District
MDR-2	Medium Density Residential District
HDR	Multiple Family Residential District
MHP	Manufactured home Park District
NS	Neighborhood Service District
OSP	Open Space Preservation/Flood Plain District
CBD	Central Business District
IND	Industrial District
I/S	Industrial Service district
CPUD	Highway Commercial Planned Unit Development District

Sec. 30.3.01 Zoning Map

The areas and boundaries of such districts listed above are hereby established to scale as shown on a map entitled "Zoning Map of the Village of Saranac" and is referred to herein as the "Zoning Map." Said Zoning Map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Regardless of the existence of copies of the zoning map which may be made or published, the official zoning map shall be located at the Village of Saranac office and shall be the final authority as to the current zoning status in the Village.

In every case where property has not been specifically included in a district, the same is hereby declared to be in the MDR-1 District. Whenever any portion of a township is annexed to the Village, the Village Council shall lawfully adopt zoning regulations within two years of the annexation. Any existing zoning regulations shall remain in full force until such time as the Village Council adopts such regulations.

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered in the official zoning map promptly after the amendment has been approved by the Village Council.

Sec. 30.3.02 Interpretation of District Boundaries

When uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of rivers, waterways, roads, streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted or unplatted lot lines shall be construed to follow such lot lines.
- C. Boundaries indicated as approximately following Village boundaries shall be construed to following Village boundaries.
- D. Boundaries indicated as following shorelines, stream beds, or the perimeter of a water body or water course shall be construed to follow the general established seasonal high water limit of such shoreline or stream bed, and in the event of a more than temporary or seasonal change in shoreline or stream bed shall be construed as moving with the newly formed/established seasonal high water limit.
- E. Boundaries indicated as parallel to or extensions of features indicated in sub-sections A. through D. above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the official Zoning Map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not covered by sub-sections A. through E. above, the Zoning Administrator, and the Planning Commission serving in the capacity of administrative official, shall interpret the district boundaries. Upon appeal, the Zoning Board of Appeals reserves the right to review and uphold or override the interpretation of the Zoning Administrator.

Article 4

LDR Low Density Residential District

Sec. 30.4.00 Description and Purpose:

The LDR Low Density Single Family residential districts are established to provide adequate locations for lower density single family neighborhoods near the underdeveloped outskirts of the Village and to recognize areas of the Village where larger lot sizes are the current and desired norm. These regulations are intended to assist in the protection of the larger lot neighborhoods from haphazard infill and from the undesirable effects of incompatible uses. Certain other residential and non-residential uses may be permitted as special land uses where such uses are deemed to be compatible with single family development.

Sec. 30.4.01 Uses Permitted by Right:

Unless otherwise permitted under the provisions of this ordinance, within the LDR district no building or part thereof shall be used, erected, altered, or converted, or the land used in whole or in part except for:

- A One single family dwelling on each lot or building site with accessory uses, buildings and structures as provided by this ordinance.
- B State licensed family day-care homes, adult day-care homes, foster-family homes, and adult foster –care family homes (care for six or fewer persons).
- C Home occupations: Type I home occupations in accordance with the requirements of Article 18.
- D Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Section 30.17.15.
- E Non- commercial communications towers and satellite dish antennae less than fifty feet in height subject to the applicable provisions of Article 17.
- F Open space preservation projects as promulgated by Public Act 177 of 2001, subject to the provisions of Article 21

Sec. 30.4.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the LDR District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Two-family dwellings on corner lots.
- B. Private, non-commercial kennels.
- C. State licensed group day-care homes (day-care for 12 or fewer individuals).
- D. State licensed foster-family and adult foster small group homes (care for 12 or fewer individuals).
- E. Airports and heliports.

- F. Bed and breakfast establishments.
- G. Churches, mosques, synagogues and other places of religious assembly.
- H. Schools, public and private not-for profit.
- I. Colleges and universities, accredited .
- J. Parks and playgrounds.
- K. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.
- L. Communications towers, antennae and facilities greater than 50 feet in height.
- M. Home Occupations: Type II home occupations in accordance with the requirements of Article 18.
- N. Cemeteries and crematories.
- O. Earth removal, sand and gravel mining.
- P. Residential Planned Unit Developments.

Sec. 30.4.03 Permitted Accessory Uses:

Accessory buildings and structures and uses incidental to any of the above permitted uses are permitted when located on the same lot as a permitted principal use subject to the provisions of Sec. 30.17.08 and other applicable provisions of this ordinance.

- A. Attached or detached non-commercial garages or carports.
- B. Storage units, barns, home shops, hobby centers, home occupation facilities pursuant to Sec. 30.18.45, et seq., artist's studios, and child's playhouse.
- C. Doghouses, pens, and similar structures.
- D. Swimming pool and/or bathhouse.
- E. Porches, gazebos and similar structures.
- F. Signs as regulated in Article 18.
- G. Tennis, basketball or volleyball court and similar facilities for private use.
- H. Automobile parking lots subject to the provisions of Article 18.

Sec. 30.4.04 Area and Height Regulations:

No lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum lot area:
1. Single family dwellings: 20,000 square feet. Single family lots of record prior to the creation of this district shall be considered conforming if they complied with the minimum lot area requirements of district requirements that predated the LDR District.
 2. Two-family dwellings on a corner lot: 25,000 square feet.
 3. Churches, mosques, synagogues and other places of religious assembly and schools: 80,000 square feet.
 4. All other principle uses: 40,000 square feet unless otherwise specified in this ordinance.
- B. Minimum lot width (ref. Sec. 30.17.09 C):
1. Single family dwellings: 80 feet. Single family lots of record prior to the creation of this district shall be considered conforming if they complied with the applicable minimum lot width requirements of district that predated the LDR District.
 2. Two-family dwellings: 90 feet.
 3. Churches, mosques, synagogues and other places of religious assembly and schools: 150 feet.
 4. All other uses: 100 feet.
- C. Required front yard (ref. Sec. 30.17.08 F):
1. Single family or two-family dwellings: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply.
 2. Churches, mosques, synagogues and other places of religious assembly and schools: 50 feet.
 3. All other uses: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply.
- D. Required rear yard setbacks:
1. Single and two family dwellings: 25 feet.
 2. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
 3. All other buildings and structures: 50 feet.
- E. Required side yard setbacks:
1. Single and two family dwellings: 10 feet, except that each street side of a corner lot shall provide a minimum of 25 feet of setback.
 2. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
 3. All other buildings and structures: 50 feet.
- F. Maximum lot coverage

1. Single and two family dwellings and accessory buildings: 30%.
 2. All other principle buildings and structures: 35%.
- G. Minimum Floor Area. Every dwelling unit shall have, exclusive of basements, porches/garages, breezeways, terraces or attics, a floor area of not less than:
1. Single Family – 720 square feet.
 2. Two-Family (duplex) – 720 square feet for the first unit and 375 for the second.
 3. All Dwellings greater than one and one-half (1-1/2) stories shall contain a total floor area of not less than one thousand (1000) square feet, six hundred fifty (650) square feet of which must be on the first floor above grade.
- H. Maximum building height (Ref. Sec. 30.17.08E.):
1. Single and two- family dwellings: 35 feet.
 2. Detached residential accessory buildings: 25 feet.
 3. Churches, mosques, synagogues and other places of religious assembly and schools: 40 feet.
 4. All other uses: 35 feet.

Article 5
MDR-1 Medium Density Residential District

Sec. 30.5.00 Description and Purpose:

The MDR-1 District is intended to provide for areas of traditional medium density single family development areas of the Village and to protect existing single family development from the undesirable effects of incompatible uses. Certain other residential and non-residential uses are permitted where such uses are deemed to be compatible with single family development.

Sec. 30.5.01 Uses Permitted by Right:

Unless otherwise permitted under the provisions of this ordinance, within the MDR-1 district no building or part thereof shall be used, erected, altered, or converted, or the land used in whole or in part except for:

- A. One single family dwelling on each lot or building site with accessory uses, buildings and structures as provided by this ordinance.
- B. State licensed family day-care homes, adult day-care homes, foster-family homes, and adult foster –care family homes (care for six or fewer persons).
- C. Home occupations: Type I home occupations in accordance with the requirements of Article 18.
- D. Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Section 30.17.15.
- E. Non- commercial communications towers and satellite dish antennae less than fifty feet in height subject to the applicable provisions of Article 17.
- F. Open space preservation projects as promulgated by Public Act 177 of 2001, subject to the provisions of Article 21

Sec. 30.5.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the MDR-1 District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Two-family dwellings on corner lots.
- B. Private, non-commercial kennels.
- C. State licensed group day-care homes (day-care for 12 or fewer individuals).
- D. State licensed foster-family and adult foster small group homes (care for 12 or fewer individuals).
- E. Airports and heliports.
- F. Bed and breakfast establishments.
- G. Churches, mosques, synagogues and other places of religious assembly.

- H. Schools, public and private not-for profit.
- I. Colleges and universities, accredited.
- J. Parks and Playgrounds.
- K. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.
- L. Communications towers, antennae and facilities greater than 50 feet in height.
- M. Home Occupations: Type II home occupations in accordance with the requirements of Article 18.
- N. Cemeteries and crematories.
- O. Earth removal, sand and gravel mining.
- P. Residential Planned Unit Developments.

Sec. 30.5.03 Permitted Accessory Uses:

Accessory buildings and structures and uses incidental to any of the above permitted uses are permitted when located on the same lot as a permitted principal use subject to the provisions of Sec. 30.17.08 and other applicable provisions of this ordinance.

- A. Attached or detached non-commercial garages or carports.
- B. Storage units, barns, home shops, hobby centers, home occupation facilities pursuant to Sec. 30.18.45, et seq., artist's studios, and child's playhouse.
- C. Doghouses, pens, and similar structures.
- D. Swimming pool and/or bathhouse.
- E. Porches, gazebos and similar structures.
- F. Signs as regulated in Article 18.
- I Tennis, basketball or volleyball court and similar facilities for private use.
- J Automobile parking lots subject to the provisions of Article 18.

Sec. 30.5.04 Area and Height Regulations:

No lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum lot area:
 - 1. Single family dwellings : 10,000 square feet.
 - 2. Two-family dwellings on a corner lot: 12,500 square feet.
 - 3. Churches, mosques, synagogues and other places of religious assembly and schools: 40,000 square feet.
 - 4. All other principle uses: 20,000 square feet. Unless otherwise specified in this ordinance.

B. Minimum lot width (ref. Sec. 30.17.09 C):

1. Single family dwellings: 70 feet.
2. Two-family dwellings: 85 feet.
3. Churches, mosques, synagogues and other places of religious assembly and schools: 150 feet.
4. All other uses: 100 feet.

C. Required front yard (ref. Sec. 30.17.08F):

1. Single family or two-family dwellings: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply.
2. Churches, mosques, synagogues and other places of religious assembly and schools: 50 feet.
3. All other uses: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply.

D. Required rear yard setbacks:

1. Single and two family dwellings: 25 feet.
2. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
3. All other buildings and structures: 50 feet.

E. Required side yard setbacks:

1. Single and two family dwellings: 10 feet, except that each street side of a corner lot shall provide a minimum of 25 feet of setback.
2. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
3. All other buildings and structures: 50 feet.

F. Maximum lot coverage

1. Single and two family dwellings and accessory buildings: 50%.
2. All other principle buildings and structures: 35%.

G Minimum Floor Area. Every dwelling unit shall have, exclusive of basements, porches/garages, breezeways, terraces or attics, a floor area of not less than:

1. Single Family – 720 square feet.
2. Two-Family (duplex) – 720 square feet for the first unit and 375 for the second.
3. All Dwellings greater than one and one-half (1-1/2) stories shall contain a total floor area of not less than 1000 square feet, six 650 square feet of which must be on the first floor above grade.

H. Maximum building height (Ref. Sec. 30.17.08E.):

1. Single and two- family dwellings: 35 feet.

2. Detached residential accessory buildings: 25 feet.
3. Churches, mosques, synagogues and other places of religious assembly and schools: 40 feet.
4. All other uses: 35 feet.

Article 6
MDR-2 Medium Density Residential District

Sec. 30.6.00 Description and Purpose:

The MDR-2 District is established to provide and protect the residential environments suitable for traditional medium density one or two family development. Certain other non-residential development is also permitted when compatible with residential development.

Sec. 30.6.01 Uses Permitted by Right:

Unless otherwise permitted under the provisions of this ordinance, within the MDR-2 district no building or part thereof shall be used, erected, altered, or converted, or the land used in whole or in part except for:

- A. One single family dwelling on each lot or building site with accessory uses, buildings and structures as provided by this ordinance.
- B. State licensed family day-care homes, adult day-care homes, foster-family homes, and adult foster –care family homes (care for six or fewer persons).
- C. Home occupations: Type I home occupations in accordance with the requirements of Article 18.
- D. Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Section 30.17.12.
- E. Non- commercial communications towers and satellite dish antennae less than fifty feet in height subject to the applicable provisions of Article 17.

Sec. 30.6.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the MDR-2 District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Two-family dwellings.
- B. Dwelling unit conversions, single family to two family dwellings.
- C. Private, non-commercial kennels.
- D. State licensed group day-care homes (day-care for 12 or fewer individuals).
- E. State licensed foster-family and adult foster small group homes (care for 12 or fewer individuals).
- F. Bed and breakfast establishments.
- G. Churches, mosques, synagogues and other places of religious assembly.
- H. Schools, public and private not-for profit.
- I. Colleges and universities, accredited.
- J. Parks and Playgrounds.

- K. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.
- L. Communications towers, antennae and facilities greater than 50 feet in height.
- M. Home Occupations: Type II home occupations in accordance with the requirements of Article 18.
- N. Cemeteries and crematories.
- O. Earth removal, sand and gravel mining.
- P. Residential planned unit developments.

Sec. 30.6.03 Permitted Accessory Uses:

Accessory buildings and structures and uses incidental to any of the above permitted uses are permitted when located on the same lot as a permitted principal use subject to the provisions of Sec. 30.17.08 and other applicable provisions of this ordinance.

- A. Attached or detached non-commercial garages or carports.
- B. Storage units, barns, home shops, hobby centers, home occupation facilities pursuant to Sec. 30.18.45, et seq., artist's studios, and child's playhouse.
- C. Doghouses, pens, and similar structures.
- D. Swimming pool and/or bathhouse.
- E. Porches, gazebos and similar structures.
- F. Signs as regulated in Article 18.
- G. Tennis, basketball or volleyball court and similar facilities for private use.
- H. Automobile parking lots subject to the provisions of Article 18.

Sec. 30.6.04 Area and Height Regulations:

No lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum lot area:
 - 1. Single family dwellings: 7,200 square feet.
 - 2. Two-family dwellings and dwelling unit conversions: 9,800 square feet.
 - 3. Churches, mosques, synagogues and other places of religious assembly and schools: 40,000 square feet.
 - 4. All other principle uses: 20,000 square feet unless otherwise specified in this ordinance.
- B. Minimum lot width (ref. Sec. 30.17.09 C):
 - 1. Single family dwellings: 66 feet.
 - 2. Two-family dwellings: 80 feet.

3. Churches, mosques, synagogues and other places of religious assembly and schools: 150 feet.
 4. All other uses: 100 feet.
- C. Required front yard (ref. Sec. 30.17.08F):
1. Single family or two-family dwellings: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply.
 2. Churches, mosques, synagogues and other places of religious assembly and schools: 50 feet.
 3. All other uses: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply.
- D. Required rear yard setbacks:
1. Single and two family dwellings: 25 feet.
 2. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
 3. All other buildings and structures: 25 feet.
- E. Required side yard setbacks:
1. Single and two family dwellings: 8 feet, except that each street side of a corner lot shall provide a minimum of 25 feet of setback.
 2. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
 3. All other buildings and structures: 50 feet.
- F. Maximum lot coverage
1. Single and two family dwellings and accessory buildings: 50%.
 2. All other principle buildings and structures: 35%.
- G. Minimum Floor Area. Every dwelling unit shall have, exclusive of basements, porches/garages, breezeways, terraces or attics, a floor area of not less than:
1. Single Family – 720 square feet.
 2. Two-Family (duplex) – 720 square feet for the first unit and 375 for the second.
 3. All Dwellings greater than one and one-half (1-1/2) stories shall contain a total floor area of not less than 1000 square feet, 650 square feet of which must be on the first floor above grade.
- H. Maximum building height (Ref. Sec. 30.17.08E.):
1. Single and two- family dwellings: 35 feet.
 2. Detached residential accessory buildings: 25 feet.
 3. Churches, mosques, synagogues and other places of religious assembly and schools: 40 feet.

4. All other uses: 35 feet.

Article 7

HDR High Density Residential District

Sec. 30.7.00 Description and Purpose:

The HDR district is established to provide adequate opportunities for multiple family development and related or similar uses

Sec. 30.7.01 Uses Permitted by Right:

Unless otherwise permitted under the provisions of this ordinance, within the HDR district no building or part thereof shall be used, erected, altered, or converted, or the land used in whole or in part except for:

- A Two, three and four family attached dwelling units.
- B One single family dwelling on each lot or building site with accessory uses, buildings and structures as provided by this ordinance.
- C State licensed family day-care homes, adult day-care homes, foster-family homes, and adult foster –care family homes (care for six or fewer persons).
- D Home occupations: Type I home occupations in accordance with the requirements of Article 18.
- E Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Section 30.17.15.
- F Non- commercial communications towers and satellite dish antennae less than fifty feet in height subject to the applicable provisions of Article 17.

Sec. 30.7.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the HDR District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Multi-family dwelling units provided that no building shall contain more than 48 units.
- B. Senior citizen housing complexes.
- C. Convalescent and nursing homes.
- D. Private, non-commercial kennels on single and two family lots.
- E. State licensed group day-care homes (day-care for 12 or fewer individuals).
- F. State licensed foster-family and adult foster small group homes (care for 12 or fewer individuals).
- G. Bed and breakfast establishments.
- H. Churches, mosques, synagogues and other places of religious assembly.
- I. Colleges and universities, accredited.

- J. Parks and Playgrounds.
- K. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.
- L. Communications towers, antennae and facilities greater than 50 feet in height.
- M. Home Occupations: Type II home occupations in accordance with the requirements of Article 18.
- N. Earth removal, sand and gravel mining.
- O. Hospitals.
- P. Residential Planned Unit Developments.

Sec. 30.7.03 Permitted Accessory Uses:

Accessory buildings and structures and uses incidental to any of the above permitted uses are permitted when located on the same lot as a permitted principal use subject to the provisions of Sec. 30.17.08 and other applicable provisions of this ordinance.

- A. Attached or detached non-commercial garages or carports.
- B. Storage units, barns, home shops, hobby centers, home occupation facilities pursuant to Sec. 30.18.45, et seq., artist's studios, and child's playhouse.
- C. Doghouses, pens, and similar structures.
- D. Swimming pool and/or bathhouse.
- E. Porches, gazebos and similar structures.
- F. Signs as regulated in Article 18.
- K. Tennis, basketball or volleyball court and similar facilities for private use.
- L. Automobile parking lots subject to the provisions of Article 18.

Sec. 30.7.04 Area and Height Regulations:

No lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum lot area:
 - 1. Single family dwellings: 7,200 square feet.
 - 2. Two-family dwellings and dwelling unit conversions: 9,800 square feet.
 - 3. Three, four and multi-family residential lots: 20,000 square feet.
 - 4. Multi-family residential lots (supporting 5 or more dwelling units): Three acres plus 5000 square feet for each dwelling unit in excess of 25 dwelling units.
 - 5. Churches, mosques, synagogues and other places of religious assembly and schools: 40,000 square feet.

6. All other principle uses: 20,000 square feet unless otherwise specified in this ordinance.
- B. Minimum lot width (ref. Sec. 30.17.09 C):
1. Single family dwellings: 66 feet.
 2. Two-family dwellings: 80 feet.
 3. Three, four family attached dwelling lots: 100 feet.
 4. All other uses: 150 feet.
- C. Required front yard (ref. Sec. 30.17.08F):
1. Single family, two-family and three and four family attached dwellings: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply.
 2. All other uses: 40 feet.
- D. Required rear yard setbacks:
1. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
 2. All other buildings and structures: 25 feet
- E. Required side yard setbacks:
1. Single and two family dwellings: 8 feet, except that each street side of a corner lot shall provide a minimum of 25 feet of setback.
 2. Three, four family attached dwellings: 25 feet.
 3. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
 4. All other buildings and structures: 40 feet.
- F. Maximum lot coverage
1. Single and two family dwellings and accessory buildings: 50%.
 2. All other principle buildings and structures: 40%.
- G. Minimum Floor Area. Every dwelling unit shall have, exclusive of basements, porches/garages, breezeways, terraces or attics, a floor area of not less than:
1. Single Family – 720 square feet.
 2. Two family, three and four family attached dwellings – 680 square feet for each unit.
 3. Dwellings greater than one and one-half (1-1/2) stories shall contain a total floor area of not less than 1000 square feet, 650 square feet of which must be on the first floor above grade.
 4. Multi-family housing (ref. Sec. 30.20.12 E).
- H. Maximum building height (Ref. Sec. 30.17.08 E.):

1. Single and two- family dwellings: 35 feet.
2. Detached residential accessory buildings: 25 feet.
3. All other uses: 40 feet.

Article 8

MHP-Manufactured Home Park District

Sec. 30.8.00 Description and Purpose:

The MHP District is established to provide adequate opportunities for Manufactured Home parks developed in accordance with the provisions of the Michigan Mobile Home Commission Act (Act 96 of the Public Acts of Michigan, 1987, as amended and the Administrative rules promulgated pursuant to the Act).

Sec. 30.8.01 Uses Permitted by Right:

Unless otherwise permitted under the provisions of this ordinance, within the MHP district no building or part thereof shall be used, erected, altered, or converted, or the land used in whole or in part except for:

- A Manufactured home Parks.
- B Manufactured home subdivisions and condominiums.
- C State licensed family day-care homes, adult day-care homes, foster-family homes, and adult foster –care family homes (care for six or fewer persons).
- D Home occupations: Type I home occupations in accordance with the requirements of Article 18.
- E Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Section 30.17.15.
- F Non- commercial communications towers and satellite dish antennae less than fifty feet in height subject to the applicable provisions of Article 17.

Sec. 30.8.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the MHP District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. State licensed group day-care homes (day-care for 12 or fewer individuals)
- B. State licensed foster-family and adult foster small group homes (care for 12 or fewer individuals)
- C. Churches, mosques, synagogues and other places of religious assembly.
- D. Parks and Playgrounds, community buildings and pools
- E. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.
- F. Communications towers, antennae and facilities greater than 50 feet in height

Sec. 30.8.03 Permitted Accessory Uses:

Accessory buildings and structures and uses incidental to any of the above permitted uses are permitted when located on the same lot as a permitted principal use subject to the provisions of Sec. 30.17.08 and other applicable provisions of this ordinance.

- A. Doghouses, pens, and similar structures
- B. Signs as regulated in Article 18.

Sec. 30.8.04 Area and Height Regulations:

No lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum Lot Area
 - 1. Churches, mosques, synagogues and other places of religious assembly and schools: 40,000 square feet
 - 2. All other principle uses not regulated by Act 96 of the Public acts of Michigan, 1987: 20,000 square feet unless otherwise specified in this ordinance.
- B. Minimum lot width (ref. Sec. 30.17.09 C): All uses not regulated by Act 96 of the Public acts of Michigan, 1987: 150 feet
- C. Required front yard (ref. Sec. 30.17.09 F): All uses not regulated by Act 96 of the Public acts of Michigan, 1987: 40 feet
- D. Required rear yard setbacks: All uses not regulated by Act 96 of the Public acts of Michigan, 1987: 25 feet
- E. Required side yard setbacks: All uses not regulated by Act 96 of the Public acts of Michigan, 1987: 40 feet
- H. Maximum building height (Ref. Sec. 30.17.08E.): All accessory structures 25 feet and all principle uses not regulated by Act 96 of the Public acts of Michigan, 1987: 40 feet.

Article 9

NS-Neighborhood Service District

Sec. 30.9.00 Description and Purpose:

This district is established to provide areas for professional office or residential uses. The district is intended for use in locations where special circumstances would prevent development of traditional single family development, but close proximity to existing or proposed residential uses makes the site not appropriate for general commercial development.

Sec. 30.9.01 Uses Permitted by Right:

Unless otherwise permitted under the provisions of this ordinance, within the NS-Neighborhood Service District no building or part thereof shall be used, erected, altered, or converted, or the land used in whole or in part except for:

- A. Two, three and four family attached dwelling units.
- B. One single family dwelling on each lot or building site with accessory uses, buildings and structures as provided by this ordinance.
- C. State licensed family day-care homes, adult day-care homes, foster-family homes, and adult foster –care family homes (care for six or fewer persons).
- D. Home occupations: Type I home occupations in accordance with the requirements of Article 18.
- E. Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Section 30.17.15.
- F. Non-commercial communications towers and satellite dish antennae less than fifty feet in height subject to the applicable provisions of Article 17.

Sec. 30.9.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the NS District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Multi-family dwelling units provided that no building shall contain more than 48 units.
- B. Senior citizen housing.
- C. Convalescent and nursing homes.
- D. Private, non-commercial kennels on single and two family lots.
- E. State licensed group day-care homes (day-care for 12 or fewer individuals).
- F. State licensed foster-family and adult foster small group homes (care for 12 or fewer individuals).
- G. State licensed child or adult day care centers/nurseries.

- H. Bed and breakfast establishments.
- I. Churches, mosques, synagogues and other places of religious assembly.
- J. Art, business or trade schools.
- K. Clinics, dental and medical including laboratory.
- L. Florists, including nurseries.
- M. Professional and public offices.
- N. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.
- O. Communications towers, antennae and facilities greater than 50 feet in height
- P. Home Occupations: Type II home occupations in accordance with the requirements of Article 18.
- Q. Hospitals, excluding veterinary.
- R. Residential Planned Unit Developments.

Sec. 30.9.03 Permitted Accessory Uses:

Accessory buildings and structures and uses incidental to any of the above permitted uses are permitted when located on the same lot as a permitted principal use subject to the provisions of Sec. 30.17.08 and other applicable provisions of this ordinance.

- A. Attached or detached non-commercial garages or carports.
- B. Storage units, barns, home shops, hobby centers, home occupation facilities pursuant to Sec. 30.18.45, et seq., artist's studios, and child's playhouse.
- C. Doghouses, pens, and similar structures.
- D. Swimming pool and/or bathhouse.
- E. Porches, gazebos and similar structures.
- F. Signs as regulated in Article 18.
- M. Tennis, basketball or volleyball court and similar facilities for private use.
- N. Automobile parking lots subject to the provisions of Article 18.

Sec. 30.9.04 Area and Height Regulations:

No lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum lot area:
 - 1. Single family dwellings: 7,200 square feet.
 - 5. Two-family dwellings and dwelling unit conversions: 9,800 square feet.
 - 6. Three, four and multi-family residential lots: 20,000 square feet.

7. Multi-family residential lots (supporting 5 or more dwelling units): acres plus 5000 square feet for each dwelling unit in excess of 25 dwelling units.
 5. Churches, mosques, synagogues and other places of religious assembly and schools: 40,000 square feet.
 6. All other principle uses: 20,000 square feet unless otherwise specified in this ordinance.
- B. Minimum lot width (ref. Sec. 30.17.09 C):
1. Single family dwellings: 66 feet.
 - 5 Two-family dwellings: 80 feet.
 - 6 Three, four family attached dwelling lots: 100 feet.
 4. All other uses: 100 feet.
- C. Required front yard (ref. Sec. 30.17.08 F):
1. All uses: 40 feet except that where the two adjacent lots are developed, the established setback shall apply.
- D. Required rear yard setbacks:
1. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
 2. All other buildings and structures: 25 feet.
- E. Required side yard setbacks:
1. Single and two family dwellings: 8 feet, except that each street side of a corner lot shall provide a minimum of 20 feet of setback.
 2. Three, four family attached dwellings: 20 feet.
 3. Detached accessory buildings and structures; 5 feet (reference Sec. 30.17.08).
 4. All other buildings and structures: 20 feet.
- F. Maximum lot coverage
1. Single and two family dwellings and accessory buildings: 50%.
 2. All other principle buildings and structures: 40%.
- G Minimum Floor Area. Every dwelling unit shall have, exclusive of basements, porches/garages, breezeways, terraces or attics, a floor area of not less than:
1. Single Family – 720 square feet.
 2. Two family, three and four family attached dwellings – 680 square feet for each unit.
 3. Dwellings greater than one and one-half (1-1/2) stories shall contain a total floor area of not less 1000 square feet, 650 square feet of which must be on the first floor above grade.
 4. Multi-family housing (ref. Sec. 30.20.12 E).

H. Maximum building height (Ref. Sec. 30.17.08 E.):

1. Single and two- family dwellings: 35 feet.
2. Detached residential accessory buildings: 25 feet.
3. Churches, mosques, synagogues and other places of religious assembly and schools: 40 feet.
4. All other uses: 35 feet.

Article 10

OSP-Open Space Preservation/Flood Plain District

Sec. 30.10.00 Description and Purpose:

The OSP-Open Space Preservation/Flood Plain district is established for the preservation of sensitive flood plain areas and certain adjacent lands. Such areas are subject to periodic inundation due to flooding, and which if not left undeveloped could result in the loss of life, damage to property, disruption of commerce and governmental services, increased public expenditures for flood protection and relief, and impairment of the tax base. These losses are caused by the cumulative effect of obstructions located in flood plains causing increased flood flow height and velocity, and the occupancy of flood prone areas by uses vulnerable to flood damage. It is the purpose of this section to protect the general public and all lands subject to flood losses.

Sec. 30.10.01 Uses Permitted by Right:

Unless otherwise permitted under the provisions of this ordinance, within the OSP-Open Space Preservation/Flood Plain District no building or part thereof shall be used, erected, altered, or converted, or the land used in whole or in part except for:

- A. Agriculture activities including the cultivation of crops, and the pasturing of animals subject to the provisions of Sec. 30.17.13. Farm buildings are prohibited.
- B. Automobile parking lots subject to the provisions of Article 18.
- C. Open space such as lawns, parks, hunting and fishing facilities or gardens.
- D. Water related uses such as docks, piers, bridges, culverts, and river crossings of transmission lines, subject to approval by the Michigan Water Resources Commission.
- E. Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Section 30.17.15.
- F. Non-commercial communications towers and satellite dish antennae less than fifty feet in height subject to the applicable provisions of Article 17.

Sec. 30.10.02 Special Land Uses:

The uses of land and structures listed in this section may be permitted as special land uses within the OSP-Open Space Preservation/Flood Plain District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Any permitted accessory use listed in Section 30.4.03.
- B. Temporary uses such as circuses, carnivals, fairs or farmer's market.
- C. Campgrounds.
- D. Permanent buildings and structures associated with a permitted principle use.
- E. Expansion of an existing structure located in the flood plain district.
- F. Communications towers, antennae and facilities greater than 50 feet in height.

- G. Earth removal, sand and gravel mining
- H. The following uses when accessory to a principal use that is located on the same property but situated on a portion of the property that is zoned for residential purposes.
 - 1. Storage units, barns, home shops, hobby centers, home occupation facilities pursuant to Sec. 30.18.45, et seq., artist's studios, and child's playhouse.
 - 2. Doghouses, pens, and similar structures.
 - 3. Swimming pool and/or bathhouse.
 - 4. Porches, gazebos and similar structures.
 - 5. Tennis, basketball or volleyball court and similar facilities for private use.
- I. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, waste water treatment facilities and water storage towers, excluding equipment and materials storage yards.
- J. Public or quasi public museums

Sec. 30.10.03 Area and Height Regulations:

Where applicable and unless otherwise provided in this ordinance the area and height regulations of Sec. 30.4.04 H shall apply to all uses permitted by right or special use permit.

Article 11

CBD Central Business District

Sec. 30.11.00 Description and Purpose:

The CBD Central Business District is established to provide areas for general commercial uses including retail business and service establishments that meet the needs of the community.

Sec. 30.11.01 Uses Permitted by Right:

Within the CBD District, unless otherwise permitted under the provisions of this ordinance, no building or part thereof shall be used, erected, altered, or converted or the land used in whole or in part unless it is for the following or similar uses. Unless specifically authorized by the Planning Commission as a special use, all business, service or processing shall be conducted wholly within a completely enclosed building:

- A. Retail food establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the local retail store and not more than five (5) persons are employed on the premises in such production.
- B. Other retail businesses such as drug, variety, dry goods, clothing, notions, music, book, hardware, appliances or furniture stores, bait and tackle shops, pet shops, convenience stores and other businesses which supply commodities on the premises, excluding sexually oriented businesses as regulated under Sec. 30.20.12 R.
- C. Personal service establishments which perform services on the premises such as auction houses, barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries and photographic studios.
- D. Professional offices of doctors, lawyers, architects, dentists, engineers, chiropractors, and other similar professions.
- E. Banks, loan and finance companies, insurance offices, travel agents, excluding drive-through service.
- E. Municipal buildings post office and similar governmental office buildings.
- F. Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Sec. 30.17.15.
- G. Commercial schools including art, music, dance, business, professional and trade, accredited colleges and universities.
- H. Restaurants, bars and taverns with or without dancing, live entertainment, or the consumption of alcoholic beverages excluding drive-in/drive through service.
- I. Licensed massage therapist, tanning salons, health and fitness salons.
- J. Service establishments including broadcasting studios, printing, publishing, photo reproduction, blueprinting, and related trades or arts.

- K. Florist, not including green houses or nursery.
- L. Adult and child nurseries and day care centers.
- M. Any similar retail business whose principal activity is the sale of merchandise within an enclosed building.

Sec. 30.11.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the CBD District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Adult bookstores, adult theaters and other sexually oriented businesses as defined and regulated under the provisions of Sec. 30.20.12 R.
- B. Assembly buildings including dance pavilions, auditoriums, churches and private clubs, theaters, excluding drive-in theaters.
- C. Medical or dental clinics.
- D. Vehicle service stations, maximum four (4) pump islands.
- E. Drive-in/drive through restaurants and other businesses.
- F. Repair and service establishments including but not limited to lawn mower repair, snowmobile repair, boat repair or air conditioner repair shops, sign painting and sign repair shops.
- G. Mortuaries and funeral homes.
- H. Amusement and recreation establishments both indoor and outdoor including bowling alleys, video and pinball arcades, handball courts, bowling alley, roller skating and tennis courts, miniature golf, go-carts and skate parks.
- I. Florist, including green houses or nursery.
- J. Farm markets, farm equipment sales.
- K. Residential uses located at the second story level.
- L. Automobile sales, new or used, including cars, trailers, boats, recreation vehicles, and trucks.
- M. Automobile repair establishments (not including body shops) and car washes.
- N. Veterinary hospitals, clinics and commercial kennels.
- O. Lumber yards, building supply establishments.
- P. Hotels and motels, rooming houses, board houses, inns, bed and breakfast establishments.
- Q. Commercial enterprise producing or fabricating merchandise on the premises.
- R. Warehouses selling retail on the premises.
- S. Multi-tenant retail or service buildings involving one or more storefronts.

- T. Open air or outdoor uses. Any principle or accessory use involving outdoor sales, service or stockpiling.
- U. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.
- V. Communications towers, antennae and facilities

Sec. 30.11.03 Permitted Accessory Uses:

- A Signs as regulated in Article 18.
- B. Automobile parking lots and loading areas subject to the provisions of Article 18.
- C. Attached or detached garages or carports.
- D. Accessory buildings.
- E. Porches and similar structures.

Sec. 30.11.04 Area and Height Regulations:

Unless otherwise specified or allowed in this ordinance, no lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum lot area: 5,000 square feet
- B. Minimum lot width - 50 feet
- C. Required front yard - none, except that where the two adjacent lots are developed, the established setback shall apply. For detached accessory buildings and structures reference section 30.17.08 (I).
- D. Required rear yard - none, except that where the rear lot line abuts any residential district, a 25 feet rear yard setback shall be maintained. For detached accessory buildings and structures reference section 30.17.08 (I).
- E. Required side yard - none, except:
 - 1. Where a building is not constructed on the lot line, a 5 feet setback is required.
 - 2. The street side of a corner lot shall provide a 10 feet setback.
 - 3. Where the side lot line abuts a residential district, a 20 feet setback shall be required.
 - 4. For detached accessory buildings and structures reference section 30.17.08 (I).
- F. Maximum lot coverage - 100%
- G. Maximum building height - 40 feet, except for detached accessory buildings 25 feet.

Sec. 30.11.05 Landscape Requirements

Reference Article 18, Sec. 30.18.40 et al

Article 12
IND - Industrial District

Sec. 30.12.00 Description and Purpose:

The IND-Industrial district is established for the purpose of designating certain portions of the village for industrial and wholesale uses such as manufacturing, fabricating, assembly, shipping, storage or warehousing of articles or materials.

Sec. 30.12.01 Uses Permitted by Right:

Within the IND-Industrial District, unless otherwise permitted under the provisions of this ordinance, no building or part thereof shall be used, erected, altered, or converted or the land used in whole or in part unless it is for the following or similar uses. Unless specifically authorized by the Planning Commission as a special use, all business, service or processing shall be conducted wholly within a completely enclosed building:

- A. Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
 - 1. Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, juice, cider and wine and kindred foods.
 - 2. Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
 - 3. Lumber and wood products including millwork, prefabricated structural wood products and containers.
 - 4. Furniture and fixtures.
 - 5. Paperboard containers, building paper, building board.
 - 6. Printing and publishing and bookbinding.
 - 7. Chemical products such as plastics, perfumes, synthetic fibers.
 - 8. Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lampshades and similar manufacturing.
- B. Manufacturing, testing, and repair of engineering, measuring, optic, medical, lenses, photographic and similar instruments.
- C. Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
- D. Vending machine service and distribution
- E. Sign fabrication, painting and servicing shops
- F. Tool and die manufacture and repair.
- G. Mini-storage/self-storage facilities.
- H. Laboratories including experimental, film, and testing.

- I. Business, trade or industrial schools.
- J. Warehouses, motor freight terminal including garaging and maintenance of equipment, freight forwarding, packing and crating services.
- K. Municipal buildings, public service buildings.
- L. Limited retail sales in association with permitted manufacturing, fabrication assembly or repair.
- M. Offices in association with permitted industrial uses.
- N. Central dry cleaning plant.
- O. Adult and child nurseries and day care centers.
- P. Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Sec. 30.17.15.
- Q. Grain storage and milling, feed store, storage and sales of agricultural products and similar uses.
- R. Communications towers, antennae and facilities.

Sec. 30.12.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the IND-Industrial District if approved by the Planning Commission as provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Manufacturing, compounding, processing, packaging, treating, assembling and bulk storage of:
 - 1. Chemical products such as drugs, soaps, detergents, perfumes, paints, enamels wood chemicals agricultural and allied chemicals.
 - 2. Rubber manufacturing or reclaiming, such as tires, tubes, footwear.
 - 3. Stone, clay, glass, cement, brick, pottery, abrasives, tile and related products.
 - 4. Primary metal industries, including blast furnaces, steel works, foundries, smelting or refining of nonferrous metals or alloys rolling and extracting.
 - 5. Foundries, fabricated metal manufacturing, including engines, machinery, electrical equipment, metal stamping, wire products and structural metal products.
- B. Textile mill products including woven fabric, knit goods, dyeing, and finishing, floor covering, yarn, and thread and other textile goods.
- C. Pulp and paper manufacturing.
- D. Lumber yards, builders and home improvement supply.
- E. Contractors', excavators' and similar trades' equipment storage.
- F. Junk yards, motor vehicle salvage yards.
- G. Automobile body and paint shops, major automobile repair.

- H. Mining, processing, and transporting of stone, sand or gravel aggregate.
- I. Rendering plants.
- J. Petroleum processing, refining.
- K. Manufacture of paving materials, roofing materials, and other related industries.
- L. Waste treatment facilities.
- M. Water supply and treatment facilities.
- N. Solid Waste recycling, transfer and incineration.
- O. Electric and steam generation plants.
- P. Airports and landing fields.
- Q. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.

Sec. 30.12.03 Permitted Accessory Uses When Located on the Same Lot as a Permitted Principal Use:

- A. Signs as regulated in Article 18.
- B. Automobile parking lots and loading areas subject to the provisions of Article 18.
- C. Attached or detached garages or carports.
- D. Accessory buildings.
- E. Porches and similar structures.

Sec. 30.12.04 Area and Height Regulations:

Unless otherwise specified or allowed in this ordinance, no lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum lot area: 20,000 square feet.
- B. Minimum lot width -100 feet.
- C. Required front yard – 35 feet, except that where the two adjacent lots are developed, the established setback shall apply. For detached accessory buildings and structures reference section 30.17.08 (I).
- D. Required rear yard – 20 feet except that where the rear lot line abuts any residential district, a 50 foot rear yard setback shall be maintained. For detached accessory buildings and structures reference section 30.17.08 (I).
- E. Required side yard – 20 feet, except:
 - 1. The street side of a corner lot shall provide a 25 foot setback.
 - 2. Where the side lot line abuts a residential district, a 25 foot setback shall be required.

3. For detached accessory buildings and structures reference section 30.17.08 (I).

F. Maximum lot coverage - 75%.

G. Maximum building height - 40 feet, except for detached accessory buildings 25 feet.

Sec. 30.12.05 Landscape Requirements

Reference Article 18, Sec. 30.18.40 et. al.

Article 13

I/S – Industrial/Service District

Sec. 30.13.00 Description and Purpose:

The I/S-Industrial/Service district is established for the purpose of designating certain portions of the Village for light industrial and commercial service uses having low utility and infrastructure demands.

Sec. 30.13.01 Uses Permitted by Right:

Within the I/S Industrial/Service District, unless otherwise permitted under the provisions of this ordinance, no building or part thereof shall be used, erected, altered, or converted or the land used in whole or in part unless it is for the following or similar uses. Unless specifically authorized by the Planning Commission as a special use, all business, service or processing shall be conducted wholly within a completely enclosed building:

- A. Electrical, heating and plumbing contractors.
- B. Exterminator services.
- C. Building material storage.
- D. Vending machine service and distribution.
- E. Sign fabrication, painting and servicing shops.
- F. Repair and service establishments including but not limited to lawn mower repair, snowmobile repair, boat repair or air conditioner repair.
- G. Welding and repair and light fabrication shops.
- H. Tool and die manufacture and repair.
- I. Mini-storage/self-storage facilities.
- J. Laboratories including experimental, film, and testing.
- K. Business, trade or industrial schools.
- L. Warehouses, motor freight terminal including garaging and maintenance of equipment, freight forwarding, packing and crating services.
- M. Municipal buildings, public service buildings.
- L. Limited retail sales in association with permitted service, assembly or repair.
- N. Offices in association with permitted uses.
- O. Essential service installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, subject to the provisions of Sec. 30.17.15.
- P. Communications towers, antennas and facilities.

Sec. 30.13.02 Special Land Uses:

The uses of land and structures listed in this Section may be permitted as special land uses within the I/S-Industrial/Service District if approved by the Planning Commission as

provided under the procedures of Article 20 and subject to all general and specific standards applicable to the use contained therein.

- A. Contractors', excavators' and similar trades' equipment storage.
- B. Explosive manufacture and storage.
- C. Lumber yards, builders and home improvement supply.
- D. Junk yards, motor vehicle salvage yards.
- E. Automobile body and paint shops, major automobile repair.
- F. Commercial Kennels.
- G. Waste treatment facilities.
- H. Water supply and treatment facilities.
- I. Public and private utility and service buildings and facilities such as regulator stations, telephone sub stations, and water storage towers, excluding equipment and materials storage yards.

Sec. 30.13.03 Permitted Accessory Uses: When Located on the Same Lot as a Permitted Primary Use:

- A Signs as regulated in Article 18.
- B. Automobile parking lots and loading areas subject to the provisions of Article 18.
- C. Attached or detached garages or carports.
- D. Accessory buildings.
- E. Porches and similar structures.

Sec. 30.13.04 Area and Height Regulations:

Unless otherwise specified or allowed in this ordinance, no lot shall be created and no building or structure shall be erected or enlarged unless it is in conformance with the following requirements or unless such requirements are altered or waived under the provisions of this ordinance.

- A. Minimum lot area: 20,000 square feet.
- B. Minimum lot width -100 feet.
- C. Required front yard – 35 feet, except that where the two adjacent lots are developed, the established setback shall apply. For detached accessory buildings and structures reference section 30.17.08 (I).
- D. Required rear yard – 20 feet except that where the rear lot line abuts any residential district, a 50 foot rear yard setback shall be maintained. For detached accessory buildings and structures reference section 30.17.08 (I).
- E. Required side yard – 20 feet, except:
 - 1. The street side of a corner lot shall provide a 25 foot setback.
 - 2. Where the side lot line abuts a residential district, a 25 foot setback shall be required.

3. For detached accessory buildings and structures reference section 30.17.08 (I).

F. Maximum lot coverage - 75%.

H. Maximum building height - 40 feet, except for detached accessory buildings 25 feet.

Sec. 30.13.05 Landscape Requirements

Reference Article 18, Sec. 30.18.40 et. al.

Article 14
Commercial Planned Unit Developments District (C-PUD)

Sec. 30.14.00 Description and Purpose

The “C-PUD” Commercial Planned Unit Development District is established in order to provide for the commercial and service needs of both Village residents and the motoring public within a unified development that is safe, functional, and attractively designed.

Specifically, the Commercial Planned Unit Development District is intended to achieve creativity in design through the use of the flexible PUD standards; preservation and enhancement of the natural site features; efficient and safe layout of buildings, roads, driveways, and parking areas and utilities; functional and aesthetic flood and storm water management; coordination of architectural styles; adequate provision for public safety; and compatibility with the character of nearby land uses.

In addition a PUD shall meet the intent of the Village of Saranac Master Plan.

Sec. 30.14.01 Eligibility Criteria

To be eligible for consideration for a C-PUD the applicant must present information which demonstrates the following:

- A. Unified Control. The proposed development shall be under unified ownership or control, so that one person or entity has 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, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.
- B. Minimum Size. The parcel or tract shall be a minimum of three contiguous acres.
- C. Utilities. The site shall be served by public water and sanitary sewer.

Sec. 30.14.02 Permitted Uses.

Land and buildings in the C-PUD District may be used for the following purposes if specifically authorized by the Planning Commission:

- A. Uses allowed by right and by Special Use Permit in the CBD Central Business District.
- B. Other similar uses may be allowed if the Planning Commission determines that such use or uses meet the intent of the C-PUD district.

Sec. 30.14.03 Design Standards.

The design standards that follow shall be applied unless justification satisfactory to the Planning Commission for not applying a particular standard is submitted by the applicant. In determining the appropriate requirements, the Planning Commission shall take into account.

- A. The nature of existing and future land uses adjacent to and near the site.
- B. The number, type, and size of buildings proposed for the site.
- C. Location of natural and cultural features on the site.

- D. Topography of the site.
- E. Provision of public utilities to the site.
- F. Requirements for adequate fire, police, and emergency vehicles access.
- G. Setbacks. All buildings shall have the following minimum setbacks:
 - 1. Fifty feet from all PUD boundaries.
 - 2. Fifty feet from all street rights-of-way.
 - 3. Twenty five feet from a rear lot line
 - 4. Ten feet from side lot lines
 - 5. One hundred feet from all single- and two-family dwellings.
 - 6. Fifty feet from all wetlands and natural water features.
- H. Maximum building lot coverage: 50%
- I. Maximum building height: 40 feet.
- J. Building Height, Size, Placement and Appearance. Any site proposed for development within a C-PUD District shall be designed and developed with buildings and structures which are generally architecturally compatible with each other and with nearby existing buildings. Such buildings shall be constructed to have a low profile and to avoid or minimize a massive box like appearance. Varied architectural building features are encouraged to create a more pleasing appearance.
- K. Structure Facade. At least 80% of that portion of a structure or building, facing a private or public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in duly adopted Ordinances and/or Building and Fire Codes. Buildings shall be located and designed so they do not detract from or predominate the existing view along public and private roadways. Every effort shall be made to avoid facing the rears of buildings toward streets and service drives.
- L. Sidewalks. The Planning Commission may require sidewalks within a C-PUD in order to improve pedestrian access to buildings and protect pedestrian safety throughout the development. When requiring sidewalks, the Planning Commission shall consider the following criteria:
 - 1. The number, location, types and use(s) of buildings proposed within the C-PUD.
 - 2. The amount of pedestrian and vehicular traffic generated by the proposed uses.
 - 3. The inter-relationship of the C-PUD roadway network.

M. Lighting. Lighting fixtures used to illuminate off-street parking areas and buildings shall be so arranged as to deflect the light away from any adjoining properties or streets and highways, and subject to all the provisions of Section 30.17.18 A. Lighting fixtures within 150 feet of a Residential Zoning District or an area recommended for such use in the Village Master Plan shall not exceed 23 feet in height. All other fixtures shall not exceed 30 feet in height. Light fixtures shall be designed to achieve total luminary cutoff above 60 degrees.

N. Parking

1. Parking within a C-PUD shall comply with the requirements of Article 17 of this Ordinance unless specifically modified by the Planning Commission as permitted by this Section.
2. All off-street parking areas, shall be set back a minimum of 10 feet from the rear and side lot lines, and a minimum of 25 feet from the front lot line.
3. The Planning Commission may permit parking aisles or vehicle maneuvering areas to encroach within the required parking setback but may require additional screening or landscaping.

O. Landscaping/Natural Features.

1. A separate landscaping plan shall be submitted along with any site plan for development within the C-PUD Zone. The landscape plan shall illustrate the type, size, location and number of plantings proposed.
2. The landscaping plan shall show any existing vegetation on the site, and shall indicate if any of the existing vegetation is to be retained on the site. Existing vegetation within landscaping areas shall be preserved insofar as is practical in order to maintain existing views, to minimize impervious surfaces, reduce the use of fertilizers and herbicides and to encourage the maintenance of natural storm water drainage patterns.
3. A 25 feet wide landscaped area shall be provided on the perimeter of a C-PUD including the area abutting a public street.
4. The required landscape area shall be planted with plants native to Michigan, maintained in its existing state or a combination of these methods. A balance of evergreen trees, deciduous trees and shrubs shall be planted within the required landscape area.
5. The Planning Commission may give a credit toward the required landscaping amount for existing trees and other vegetation preserved is part of site development. Use of Earthen berms is encouraged.
6. For all parking areas that accommodate 10 cars or more, landscaped islands and shade trees shall be located throughout the parking lot to shade expanses of parking and contribute to the orderly circulation of motor vehicle and pedestrian traffic. One landscaped island shall be provided for every 10 parking spaces.

7. Landscaped islands must be a minimum of 324 square feet and a minimum of nine feet wide. Each island must have at least two canopy trees planted within it. Trees shall be planted at least three feet from the edge of the island.
- P. Protection of Natural Features. Wetlands and floodplains and required buffers shall be delineated on the site plan with a clear notation of use restrictions. Any alteration of wetlands and flood plains shall comply with applicable Federal and State of Michigan regulations.
- Q. Access Standards/Requirements
1. General Requirements
 - a. Each parcel may be permitted to have one driveway provided the spacing requirements of this Section can be achieved. Additional driveways may be permitted by the Planning Commission for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional driveway.
 - b. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
 - c. Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.
 2. Driveway Spacing Standards.
 - a. Minimum spacing between two driveways along a public street shall be 230 feet measured from centerline to centerline.
 - b. Minimum spacing requirements between a proposed driveway and a side street intersection either adjacent or on the opposite side of the street shall be at least 230 feet. Such distance may be reduced to 125 feet where a channeled driveway restricting left turns from the site is proposed. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.
 - c. To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of 230 feet along measured centerline to centerline. Greater offsets may be required depending on the expected inbound left-turn volumes of the driveways.
 - d. For sites with insufficient street frontage to maintain the above spacing requirements, the Planning Commission may require a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or

require a service road. If these design options cannot be achieved, the Planning Commission may modify the driveway spacing standards so as to allow reasonable access provided such driveway does not create an unsafe traffic condition.

3. Shared Driveways, Frontage Roads And Service Drives.

- a. A shared driveway should be located so the midpoint of the driveway is on the property line. Owners of the properties shall execute and record a document to provide for joint use and maintenance.
- b. Service roads shall generally be parallel or perpendicular to the front property line and may be located either along the side or behind principal buildings. Where site constraints prohibit the development of a rear service drive, the Planning Commission may permit a front service drive. In considering the most appropriate alignment for a service road, the Planning Commission shall consider site constraints, the setbacks of existing buildings and the anticipated traffic flow for the site.
- c. The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be a minimum of 40 feet wide.
- d. The service road easement shall be setback a minimum of 25 feet from the required right-of-way to allow for snow storage and landscaping.
- e. To allow for vehicle stacking, where a service road intersects another service road the edge of pavement for the service road parallel to the public street shall be spaced a minimum of 60 feet from the edge of the pavement of the public road.
- f. Service roads shall have a base, pavement and curb with gutter in accordance with the Village of Saranac standards for public streets, except the width of the service road shall have a minimum pavement width of 22 feet.
- g. The Planning Commission may approve temporary driveways where a continuous service road or shared driveway is not yet available. A performance bond or escrow shall be set up to ensure elimination of temporary access when the service road or shared driveway is provided. At such time as the permanent service road or shared driveway is completed, the site shall connect to the service road or shared driveway and the temporary drive shall be closed.
- h. Each property owner shall be responsible for maintenance of the easement and service drive.

Article 15

Residential Planned Unit Development (R-PUD)

Sec. 30.15.00 Description and Purpose and Purpose

Planned unit developments are provided herein by special use permit in order to allow for some degree of flexibility and innovation in the design of development areas, as well as to allow for the economic usage of land and the conservation of sensitive, physical and environmental features in a viable way. These provisions are given particular relevance to properties located in **Special Development District b** identified in the Village's Master Plan. Under these provisions and within the LDR, MDR-1, MDR-2 and HDR Zoning Districts, the Planning Commission may review and permit with conditions, a modification in each district's area requirements in order to allow certain forms of development containing both privately owned lots and building sites and common property, when the lots and building sites are planned collectively as a single development.

Sec. 30.15.01 Eligibility Criteria

Residential Planned Unit Developments (R-PUD) may be permitted in the LDR, MDR-1, MDR-2 and HDR Zoning Districts. To be eligible for consideration for a R-PUD the applicant must present information which demonstrates the following:

- A. Unified Control. The proposed development shall be under unified ownership or control, so that one person or entity has 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, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.
- B. Minimum Size. The parcel or tract shall be a minimum of ten (10) contiguous acres.
- C. Utilities. The site shall be served by public water and sanitary sewer.

Sec. 30.15.02 Permitted Uses.

The following are eligible for inclusion within in a R-PUD .

- A. Principal Uses
 - 1. Single-family detached homes (excluding mobile homes)
 - 2. Two-family homes
 - 3. Single-family attached homes; and .
 - 4. Multiple-family structures.
- B. Accessory Uses, Structures and Amenities
 - 1. Open space-developed and undeveloped
 - 2. Indoor Recreation Facilities
 - 3. Outdoor Recreation Facilities

4. Carports
5. Community Buildings and Meeting Halls
6. On-site Laundry Facilities
7. Small scale "neighborhood retail stores" to serve R-PUD premises only

Sec. 30.15.03 Design Standards.

The design standards that follow shall be applied unless justification satisfactory to the Planning Commission for not applying a particular standard is submitted by the applicant. In determining the appropriate requirements, the Planning Commission shall take into account.

- A. Density. The density of development shall be determined by the gross density of the entire development, and shall not exceed:
3.5 units per acre in the LDR zone
6.0 units per acre in the MDR-1 zone
8.0 units per acre in the MDR-2 zone
10 units per acre in the HDR Zone
- B. Lot size. The minimum required lot size for single family or two family lots as set forth in for the underlying zoning district may be reduced by an amount not to exceed fifty percent (50%), provided that a quantity of land at least equal to the total amount deducted from all lots shall be dedicated for open space so that the overall gross density for the entire planned development shall not exceed the permitted density for the applicable district.
- C. Project setbacks. All buildings shall be located at least twenty-five (25) feet from adjoining property or public right-of-way not included in the R-PUD. Setbacks are not required for buildings located within the R-PUD, provided that the site design shall meet the intent of this ordinance, particularly with regards to maintaining environmental features.
- D. Interior Site Design Standards. Unless modified or waived by the Planning Commission in writing at the time of application approval, compliance with the following design standards is required and must be shown on the development plan:
 1. Minimum yard requirements and building setbacks from all exterior property lines shall be twenty-five (25) feet.
 2. Maximum building height two and one-half (2 1/2) stories or thirty-five (35) feet (excludes antennas, steeples, spires, etc.).
 3. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
 4. All sensitive natural features such as drainage ways, streams, wetlands, lands within one hundred (100) year floodplains, land on slopes of 25% or greater, and stream or river banks (which by virtue of soil and slope may create highly erodable hazards to the public health and safety) shall remain

unencumbered by residential buildings and structures, but may at the discretion of the Planning Commission be used to provide open space deemed desirable in R-PUD development.

5. Planted and maintained landscaped buffer areas of fifteen (15) feet in width are required along all exterior boundaries of the property to be developed.
 6. Natural drainage ways and streams shall be protected by a public easement measured twenty-five (25) feet from the centerline of such drainage ways or streams.
 7. Off-street parking is required at the rate of at least two (2) parking spaces per dwelling unit.
- E. Miscellaneous Site Standards. Unless specifically waived or altered by the Planning Commission the most restrictive site standards for permitted individual uses and facilities as provided in this ordinance, shall be observed.
- F. Common Property. For the purposes of this provision, common property is considered a parcel or parcels of land, or a privately owned road or roads, together with the improvements thereon, where the use and enjoyment of which are shared by the residents of the development. When common property exists, the ownership of such common property shall be private. When privately held under joint ownership, arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas.
- G. Public Easements on Common Property. When common property exists in private ownership, the owners shall grant easements over, under and through such property to the village, as may be required for public purposes.

Article 16

Planned Unit Developments-General

Sec. 30.16.00 Purpose

This Article provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this Article to authorize the consideration and use of Planned Unit Development Regulations for the following purposes:

- A. To encourage the use of land in accordance with its character and adaptability.
- B. To promote the conservation of natural features and resources.
- C. To encourage innovation in land use planning and development.
- D. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Village.
- E. To promote and ensure greater compatibility of design and use between neighboring properties.
- F. To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

The provisions of this Article are not intended as devices for ignoring the Zoning Ordinance or the planning upon which it has been based. Modifications and departures from generally applicable requirements may be permitted however, but shall be authorized only when in accordance with standards provided in this Article. All applications for Planned Unit Developments must comply with the procedures and regulations of this article to ensure appropriate, fair, and consistent decision-making.

Sec. 30.16.01 Procedures

- A. Pre-application Conference. Prior to formal application submission for a proposed PUD project the developer/applicant may make a presentation to the Planning Commission in order to discuss initial design concepts and the application of said concepts to the land in question.
- B. Formal application. All PUD proposals shall be processed as Special Land Uses and reviewed for compliance with the general standards for Special Use approval as contained in Article 20. In addition to a completed application form as supplied by the Village, and an application and review fee, applicants for a PUD project shall initially submit 10 sets of a preliminary site development plan in accordance with the requirements of Article 19, Site Plan Review.
- C. Review of Preliminary Development Plan. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications or thereof.

D. Final PUD Plan. After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant shall submit to the Zoning Administrator a Final PUD Plan in accordance with the requirements for Final PUD Plan Review as noted below. Copies of the plan shall be forwarded to the Planning Commission.

1. Detailed Final PUD Plans. The plan shall be drawn at a scale of not more than one inch to 100 feet and shall contain the following information unless specifically waived by the Planning Commission:
 - a. The date on which the site plan was prepared.
 - b. The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.
 - c. A north arrow and legal description based upon the most current survey.
 - d. Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
 - e. Existing and proposed topographic elevations at two-foot intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
 - f. Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
 - g. Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
 - h. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
 - i. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drain fields, and utility easements.
 - j. Location and type of all sidewalks, bike paths, and other walkways.
 - k. Location, type and size of any walls, fences or other screening devices.
 - l. Location of all proposed landscape materials, including size and type of plantings.
 - m. Location, size and height of all proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, and methods of screening, signs, and existing and

proposed utility poles. Roof top or outdoor equipment shall also be indicated, including proposed methods of screening where appropriate.

- n. Proposed parking areas and access drives showing the number and size of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.
 - o. Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways and subject to all the provisions of Sec. 30.17.18A.
 - p. Location and type of significant existing natural vegetation, natural water courses, natural water bodies, county drains and floodplains, wetlands and manmade drainage ways. Vegetation which is to be retained on the site shall be illustrated.
 - q. Location of existing and proposed slopes which are 20 percent or greater.
 - r. Zoning and land use on adjacent properties.
 - s. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or by state or federal agencies.
 - t. The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of the site.
 - u. Small-scale sketch of properties, streets and zoned uses of land within one-half mile of the site.
2. Conceptual Final PUD Plan Option The Planning Commission shall have the discretion to waive one or more of the above detailed site plan requirements for developments which are proposed in phases. In such instances the Planning Commission may approve portions of development plans as conceptual and defer the requirements for specified plan detail until such time that the applicant is ready to progress to a subsequent phase. Submission of detailed final plans meeting the requirements of Subsection D.1 for each phase of a PUD that is approved in a conceptual format shall be a condition of the overall PUD's approval and no phase of the development shall commence until the detailed final plans for that phase are submitted and approved. Final approval of such phases may be timed to coincide with the review and approval of preliminary plat or site condominium plans that may be required for the development. When submitted, deferred final development plans shall be required to generally conform to the approved final conceptual development plan. The effective period for any phase of a development granted conceptual approval shall be limited to two years from the date of completion of the preceding phase. Expiration of the two year period of conceptual approval will negate the prior approval and expose development the project or project

phase to changes in zoning and other governing ordinances adopted by the Village subsequent to the date of the conceptual plan approval.

- E. Public Hearing on Final Development Plan. The Planning Commission shall hold a public hearing on the final development plan. The notification shall be the same as required herein for a Special Land Use.
- F. Planning Commission Decision The Planning Commission may approve, deny or approve with conditions the proposed PUD development plan. The Commission shall base its decision on whether or not the PUD project meets the standards for Special Use approval in Article 20 of this Ordinance.
- G. Conditions of Approval The Planning Commission may impose reasonable conditions in approving a PUD according to the requirements of Article 20 herein.
- H. Amendments and Changes to an Approved PUD. An approved Final PUD Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant except as otherwise noted below as minor changes.

Minor changes may be approved by the Zoning Administrator, provided that such change does not substantially change the basic design or alter the conditions of PUD approval imposed by the Commission. The Zoning Administrator shall notify the Planning Commission of all minor changes that are authorized. The following items may be considered minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings and/or signs by no more than 10 feet.
3. Plantings in the approved landscape plan may be replaced by similar types of landscaping.
4. Changes of building materials to a higher quality.
5. Changes in floor plans which do not alter the character of the use.
6. Internal rearrangement of a parking lot which does not materially affect the number of parking spaces or alter access locations or design.
7. Changes required or requested by the Village for safety reasons.
8. Changes which will preserve the natural features of the site without changing the basic site layout.
9. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change,

or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

- I. Performance Guarantees. The Planning Commission may require reasonable performance guarantees or assurances deemed appropriate for the circumstances and as authorized by law. The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with the provisions and requirements of the PUD and construction and placement of all of, or any specified improvements therein. In its discretion, the Planning Commission may rebate or refund a proportionate share of the amount of surety specified based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Village official.
- J. Time Limitations on Development. Each PUD shall be under construction within one year after the date of approval of the final development plan. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof the final site plan approval shall be terminated.

Article 17

General Provisions

Sec. 30.17.00 Effect of Zoning.

Zoning affects every structure and use. Except as hereafter specified, no building structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located.

In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building or use shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

Sec. 30.17.01 Minimum Regulations

The regulations set by this Ordinance throughout the village and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located. No building or other structure shall hereafter be altered:

- A. To accommodate or house a greater number of persons or families than permitted by the Zoning District; and
- B. To have narrower or smaller rear yards, front yards, or side yards, than permitted in this Ordinance.

Sec. 30.17.02 Yards and Lots

No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance or applicable ordinance amendment shall meet or exceed the minimum requirements established by this Ordinance.

Sec. 30.17.03 Unclassified Uses

Where a proposed use of land or use of building is not contemplated or specified herein or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, then the Planning Commission shall first classify the use as either a residential, commercial or industrial use and permit such use as a special use only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose of the zoning ordinance and land use plan are not impaired by permitting such use at the proposed location. In making such determination the requirements and general standards of Article 20 shall apply.

Sec. 30.17.04 Zoning Compliance Permit Required

In accordance with other village codes, ordinances and regulations duly adopted by the Village Council, and in accordance with this Ordinance, no building or land use activity shall hereafter be erected, relocated, altered, moved or expanded in its exterior dimension or use, and no excavation for any building shall be begun until a Zoning Compliance Permit has been issued under the procedures contained in Article 25. With respect to this Zoning Ordinance, eligibility for a permit shall be established upon conformance with the provisions contained herein. Zoning Compliance Permits are required prior to obtaining a building permit.

Sec. 30.17.05 Certificate of Occupancy Required

No building, dwelling or other structure, subject to the provisions of this ordinance shall be occupied, inhabited, or used until a Certificate of Occupancy is issued under the procedures contained in Article 25.

Sec. 30.17.06 Mixed Occupancy

Before issuing a zoning compliance permit for any premises intended for use as a combination of dwelling and commercial occupancy or where an increased number of dwelling units would result from a proposed alteration, the Zoning Administrator shall request a report from the Health Department as to any hazards that exist or may be expected to exist from the proposed use, together with his or her recommendations for any additional provisions or alterations necessary in the interest of the public safety and health. Such recommendations shall be incorporated into the application and be set forth as conditions of obtaining the compliance permit.

Sec. 30.17.07 Temporary Permits

The following temporary uses are permitted by temporary permit in certain districts as regulated herein. All such uses shall be terminated within 30 days after expiration of said permit:

- A. Signs and Supplies. The storage of construction supplies, machinery, and temporary storage buildings; as well as the customary display of trade, contractor, or architect's identification signs in connection with a construction project may be authorized by the Zoning Administrator for a period up to twelve (12) months.
- B. Construction Trailers and Offices. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.
- C. Temporary Dwellings. An individual mobile home or other mobile housing facility or temporary structure, excluding tents of any kind, may be used as a temporary dwelling for an initial period not to exceed one (1) year and up to one 90 day extension, where a principal dwelling has been damaged or destroyed by fire, wind, flood or act of God. No such authorization shall be made unless all electric, gas and domestic water supply and sanitary sewer connections are made in accordance with the adopted building codes and performance guarantee for the removal of the temporary dwelling has been deposited with the Village in the amount of one thousand (\$1,000.00) dollars. The performance guarantee may be either a cash deposit, certified or cashier's check payable to the Village, or an

irrevocable bank letter of credit. Such temporary structure shall be required to maintain minimum setback requirements for accessory buildings located in the side and rear yard and may be located in the front yard provided that the street right of way is not encroached upon.

Sec. 30.17.08 Structures, General and Exceptions. (see also Sec. 30.17.22)

- A. Restoring Unsafe Buildings. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or the County Health Department.
- B. Sewage Disposal Facilities Each dwelling unit and principal structure shall be equipped with adequate sewage disposal facilities to comply with the Sanitary Code in effect at the time of the erection of said dwelling or principal structure. Where public utilities exist within 200 feet, the owner or developer shall be required to hook up with such system.
- C. Structures to Have Access and Yard Space. Every principal structure hereafter erected or moved shall be on a lot adjacent to a public or private street. Every lot must provide front, rear, and side yards as required within its zone district. All front yards must face upon a street.
- D. One Principle Use and Structure. Erection of more than one principal use and structure is prohibited. In any district, not more than one structure housing a permitted principal use may be erected on a single lot, except groups of apartment buildings, farm buildings, industrial or retail business buildings or other groups of buildings deemed by the Planning Commission to be a principal use collectively.
- E. Exceptions to Height Regulations. Unless specifically regulated the height limitations contained in this ordinance do not apply to parapet walls, grain elevators, silos, farm barns, monuments, towers, spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances, usually required to be placed above the roof level and not intended for human occupancy.
- F. Exceptions to Yard Setback Regulations. The setback limitations of this Ordinance do not apply to steps, awnings, unenclosed porches, or similar facilities which may project into a minimum required yard area; provided however, that said facilities may not extend more than five (5) feet into the minimum required yard area.
- G. Uninhabitable Dwellings. Whenever it shall be certified by the Health Department or the Zoning Administrator that a vacant dwelling is unfit for human habitation, or dangerous to life or health by reason of want of repair, or of defects in drainage, plumbing, ventilation, or the construction of the same or by reason of existence on the premises of a nuisance likely to cause sickness among occupants thereof, or for any cause, the Village Council, may issue an order to the owner of such dwelling not to occupy or cause to be occupied the said dwelling until all dangers there from have ceased and the owner has secured a certificate of occupancy from the Zoning Administrator.
- H. House Moving. Any person desiring to move any structure upon streets or highways within the Village shall file a written application with the Zoning

Administrator which shall become valid when the proper bond of \$25,000.00 has been filed with the Village Council and approved by it. The permit shall state the streets or highways along which the structure shall be moved. No building shall be moved into the Village or from one District to another unless such building complies with the district requirements. The owner or contractor shall cause written notice thereof to be given the utility companies and others whose property may be affected by such removal. Fees for permits for moving buildings and structures as herein provided shall be established by resolution of the Village Council.

- I. Accessory Buildings, Structures and Uses. No accessory building or use larger than 144 square feet may be built upon any lot on which there is no principal building:
1. Farm accessory buildings shall not be subject to above restriction.
 2. Adjoining lots in single ownership may be considered one lot when combined as a single taxable parcel.
 3. An accessory structure, including portable or temporary carports may not be constructed or placed in any required front yard setback area. Accessory structures including enclosed porches and garages, attached to a dwelling or other main structure shall be deemed a part of such structure for the purpose of determining required setbacks and lot coverage.
 4. A detached accessory building shall not be located closer than five (5) feet to any main building or alley right-of-way line and shall maintain the setback required for principle buildings along each public or private street right of way line in all districts except for (a.) below (ref. Sec. 30.17.09).
 - a. Detached accessory structures or buildings may be located on the Erv Taylor Ave. side of the lots in CBD that also front on Bridge St. Accessory buildings or structures on those parcels shall be located a minimum of 2 feet from the interior edge of a sidewalk and outside of the Erv Taylor Ave. street right of way. A detached accessory building shall not displace any required number of parking spaces.
 5. A detached accessory building may occupy a side or rear yard but shall not be located closer than five (5) feet to any side or rear lot line except in (a.) and (b.) below.
 - a. Detached accessory structures or buildings in the CBD may be located adjacent to the side or rear lot lines except if abutting a residential district, a 5 foot setback is required.
 - b. Detached accessory structures or buildings in the IS and IND districts shall not be located closer than 10 feet to a side or rear lot line except if abutting a residential district, a 15 foot setback is required.
- J. Basement Dwellings. The use of the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a

basement more than four (4) feet below grade in the completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling.

K. Wireless Communication Facilities (a.k.a. Towers, Antennae, Satellite Dishes and Support Facilities.

1. Any dish antenna or a similar device in a residential zone shall be installed and maintained with a landscape planting screen where the structure is visible from a public right-of-way.
2. Commercial wireless communications facilities and private communication antennae, dishes and towers exceeding 50 feet in height. All commercial wireless communication facilities, antennae, dishes and towers and private communication antennae, dishes and towers exceeding 50 feet in height as measured from the average grade of the ground surface at the base of the tower or the structure supporting the tower, dish or antennae to the upper most extent of the tower or antenna shall be regulated as special land uses and are subject to the procedures, general standards and specific requirements for such uses as contained in Article 20.
3. Amateur Radio Antennae, and Private(non-commercial)Dish Antennae and Other Similar Structures. The construction, use, maintenance, operation, repair and removal of antennae and towers not exceeding 50 feet in height as measured from the average grade of the ground surface at the base of the tower or the structure supporting the tower, dish or antennae to the upper most extent of the tower or antenna shall comply with the following requirements except that satellite dish antenna less than one meter across (39.37 inches) shall be exempt from these regulations.
 - a. Any structure covered in this section shall require a Building Permit prior to erection. The application for permit must include construction drawings showing the proposed method of installation, including details on anchoring, fencing and screening
 - b. The antenna or tower shall be permanently secured to a stable foundation.
 - c. No part of the antenna, dish or tower shall conduct or display any advertising, message or other graphic representation.
 - d. A dish antenna installed on the ground in a residential zone shall not exceed 15 feet in height from the ground to the top of the structure unless such provisions would preclude or prevent the operation of the antenna.
 - e. An antenna, dish or tower shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or depth of the required rear or side yard setback, whichever is the greater.

- f. An antenna or dish may be mounted on the roof of a principal or accessory building. A dish antenna on the roof of a residential structure shall not extend more than one meter across (39.37 inches) above the peak. A dish antenna on the roof of a commercial or institutional structure shall not exceed a height of 10 feet, as measured from the base of its foundation.
- g. All antennae, dishes and towers must be grounded to protect against damage from lightning.
- h. An antenna, dish or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses. Where the structure is visible from a public right-of-way such devices shall be screened with maintained landscape plantings or a decorative fence unless such provisions would preclude or prevent the operation of the device.
- g. Amateur radio antennae operating under a license issued by the Federal Communications Commission shall be subject to the provisions of this section. If such provision or provisions would preclude or prevent the operation of the antenna, then such provision(s) shall not apply.

Sec. 30.17.09 Lots.

- A. New Lots To Be Buildable. All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops, and land encumbered by easements preventing the use of the land.
- B. All new lots created shall meet the minimum lot size regulations of this ordinance.
- C. Minimum lot width: Minimum lot width shall be achieved at a point no greater than 60 feet from the front property line/right of way line and the required minimum lot width must be maintained at all points behind which a building or structure is situated. Lot width shall be measured as prescribed in Article 2, Lot Width.
- D. Required street frontage: The required minimum distance between the side lot lines where they intersect the street right of way/front property line shall be determined as follows:
 - 1. For all lots not located on a turning circle of a cul-de-sac street, said distance shall not be less than eighty percent of the required minimum lot width.
 - 2. For lots located on a turning circle of a cul-de-sac street, said street frontage shall be not less than 50 feet.
- E. Corner Lots. Each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along each lot frontage shall be a required front yard. The lot owner shall elect, and so designate in his application for permit, which of the remaining yards shall be the required side yard and which the required rear yard.

Sec. 30.17.10 Utilities.

- A. The installation of all electrical work, including equipment, shall in every case be done in a safe manner. The regulations of the current National Electric Code, which is in effect at the time of the beginning of construction of any building, shall be considered as good standard practice by the Zoning Administrator. Installation shall comply with the requirements of the electrical utility company serving the area.
- B. The installation of all interior plumbing work shall comply with the State Plumbing Code of Michigan.

Sec. 30.17.11 Location of off-street parking facilities.

- A. Location Standards for Parking Areas in Non-Residential and Residential Zones. Reference 30.18.06

Sec. 30.17.12 Parking and Storage of Inoperable or Unlicensed Vehicles, Commercial Vehicles, Recreation Vehicles and Equipment and Trailers.

- A. Parking And Storage of inoperable or unlicensed Vehicles. Automotive vehicles and trailers of any kind or type without current license plates may not be stored on residentially zoned property unless it is within an enclosed building.
- B. Parking of Commercial Vehicles. In residential districts the parking of commercial vehicles is prohibited unless it is in compliance with the following.
 - 1. No more than one commercial vehicle is permitted.
 - 2. Regularly manufactured vehicles such as pickup trucks, cargo vans, stake trucks, or utility body trucks may not exceed a rated capacity of 1 ton. Box vans, step vans, dump trucks, ladder/bucket trucks and all other commercial vehicles and utility trailers used for commercial purposes are prohibited.
 - 3. The vehicle must be owned by a person residing at the address where the vehicle is being parked or the vehicle must be driven by such person as a function of his or her employment.
 - 4. Parking of commercial vehicles on vacant parcels within residential districts is prohibited
- C. Parking of Recreation Vehicles and Equipment, and Utility Trailers. The parking of recreation vehicles and equipment, travel trailers and utility trailers on occupied single or two family residential lots or parcels is permitted subject to the following requirements:
 - 1. The parking and storage of recreation vehicles and equipment and utility trailers on residential lots or parcels shall be limited to only those vehicles owned by, and licensed or registered to the occupant of the residential lot or parcel on which the vehicle is stored. An exception to this prohibition are recreational vehicles owned by guests of the lot owner or occupant that are temporarily occupied under the provisions of paragraph 5 below.

2. Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewerage. Recreation vehicles may be used for two periods of temporary occupancy on the same parcel within any nine consecutive calendar months. No such period is to exceed 14 consecutive days and the location of the vehicle must otherwise comply with the requirements of this section.

Such vehicles may however, be parked on any improved driveway, parking strip or apron for periods not exceeding 48 hours for loading and unloading purposes provided that such parking does not obstruct the view of adjacent street and driveway traffic or affect the safety of pedestrians.

3. Unless parked in a garage or on an improved and maintained gravel, concrete or asphalt parking strip or apron as provided in above paragraph 2, all recreational vehicles or trailers must be stored in the rear or side yard behind the front or side line of the principle structure facing the street. This requirement shall apply to all yard areas fronting a street. A minimum of one foot of side or rear yard shall be maintained between the vehicle and the side or rear lot line (ref. Section 30.18.06 B).
4. No more than one travel trailer or recreational vehicle or light utility trailer shall be stored or parked outdoors within the front yard of a single lot. For the purpose of this section, multiple recreation vehicles such as snowmobiles, motorcycles, or personal watercraft loaded on a single utility trailer shall be considered one unit.
5. Parking and storage of recreational vehicles and equipment, and utility trailers on vacant parcels of record is prohibited unless the vacant lot or parcel is adjacent to a lot or parcel on which there is an occupied residence and both lots are under the same ownership. Any recreation vehicle or trailer parked on a vacant lot must be owned and licensed and/or registered to the occupant of the residence on the adjacent lot or parcel. The provisions of paragraph (3) shall apply with respect to required parking surfaces, location and screening and visibility.
6. In the case of attached three family, four family, multiple family dwelling complexes and mobile home parks, the parking of recreation vehicles and equipment, and utility trailers is prohibited unless adequate area for such is established and set aside for such in off street parking areas on an approved site plan for the development. As part of site plan approval the Planning Commission may require that additional parking spaces and screening be provided on the site for the parking and storage of vehicles and equipment.

Sec. 30.17.13 Animals, Livestock and Fowl (Use, Shelter and Storage).

- A. No animals, livestock or fowl, other than common household pets shall be used, sheltered or stored in any zoning districts unless otherwise specified in this Ordinance. Such prohibition shall not apply to grazing of sheep, goats or other hoofed livestock on parcels of greater than 5 acres in size in the OSP District and when such grazing is in for the purpose of noxious weed growth and minimalist property maintenance. Where such grazing is permitted, fences and other

structures used for keeping the animals safe shall be setback a minimum of one hundred fifty (150) feet from the nearest residence.

- B. The keeping of more than three (3) dogs and/or cats is prohibited in all districts, provided that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth.

Sec. 30.17.14 Keeping of Wild Animals

Notwithstanding the above provisions of Sec. 30.17.13, it is the intent of this Section to prohibit the keeping, selling, boarding, housing, possession and maintenance of wild animals within the Village, either temporarily or permanently except under the conditions enumerated below. The term "wild animals" as used herein shall include but not necessarily be limited to lions, tigers, lynx, bobcats, bears, poisonous fish, reptiles, insects, arachnids and any other life form that is incapable of being completely domesticated.

- A. The keeping of the animal or animals shall be carried out by a veterinarian licensed in the State of Michigan, for the treatment of injuries or to temporarily harbor an animal until permanent quarters are found.
- B. The keeping of the animals is carried out by a public or private educational or research institution or is part of a special event such as a circus or carnival as authorized by the Village and appropriately licensed by the State of Michigan.

Sec. 30.17.15 Essential Public Service Installations

Essential public service installations may be located in any zone but may be subject to site plan review by the Village Planning Commission under Article 19. Installations including pipes, hydrants, poles, transformers, lines, manholes and lift stations, exchange facilities, local distribution lines for gas and/or electric power, telephone lines, power poles and telephone poles, communication exchanges and power substations, which have a ground floor covering of less than one hundred (100) square feet in area shall not require specific site plan approval but shall be reviewed as part of the development review process when proposed as part of a development. Communication exchanges and power substations, which have a ground floor covering of greater than one hundred (100) square feet in area shall be reviewed by the Planning Commission and through the use of appropriate screening and building materials shall be designed to fit harmoniously with surrounding buildings and land uses. Where such facilities require regular maintenance or staffing, adequate off street parking shall be provided.

Sec. 30.17.16 Excavation of Top Soil.

Top soil shall not be stripped, excavated or otherwise removed from any premises except when such material has been determined by the Zoning Administration to be in excess amounts and is authorized for removal by the building official in connection with an approved construction and grading projects; or as a product of the excavation of muck, peat, sand, gravel or other mineral deposits authorized under the provisions of Article 20

Sec. 30.17.17 General Lighting and Screening Requirements

- A. Lighting. All lighting upon any premises, regardless of zone, shall be so arranged in a manner so as to not produce any glare which is a nuisance or annoyance to

residents or occupants of adjoining premises or to the traveling public on public highways. All lighting shall be constructed and maintained so as to be directed toward structures and features located on the site and may not be directed or reflected into the atmosphere. Lighting associated with parking and loading facilities shall comply with the standards of Sec. 30.18.07.

- B. Walls and Fences. Retaining walls and fences not more than four (4) feet in height are permitted within the required front yards of all zones except as regulated in 30.17.22. Walls and solid fences of not more than six (6) feet in height are permitted in side or rear yards in any zone.

A well maintained wire protective fencing without height limitation may be required for non-residential uses where nuisance impacts are anticipated to occur in the absence of such fence.

- C. It shall be unlawful to install, construct or maintain an electric or barbed wire fence within platted subdivision.
- D. It is unlawful to construct any private fence or barrier within a public right-of-way.
- E. In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to interpret and determine the screening and lighting provisions and the purpose herein sought to be accomplished.

Sec. 30.17.18 Refuse, Refuse Containers

The storage, dumping, collection or placing of discarded material, building materials, inoperable, or unlicensed motor vehicles, construction or farm equipment, or refuse is prohibited in all zones.

Outdoor trash containers or dumpsters may be required for any multi-family, commercial or industrial use and any institutional or special use located in a residential district provided that it complies with the following requirements:

- A. Adequate vehicular access shall be provided to the containers for truck pickup either via a public alley or vehicular access aisle that does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings. The placement of the container shall be subject to site plan review.
- B. A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen such containers. The maximum height of walls, fence or gate shall be six (6) feet.
- C. The container or containers, the screening walls, fence and gate shall be maintained in a neat and orderly manner, free from loose rubbish, wastepaper and other debris.

Sec. 30.17.19 Uses Prohibited in Front Yard

- A. Woodpiles and outdoor storage of other materials are not allowed in the front yard of any residential structure or lot.

- B. Reference Sec. 30.17.08 and Sec. 30.17.12 relating to the parking of commercial and recreational vehicles and the location of communication towers, antennae and satellite dishes.

Sec. 30.17.20 Accessory Uses Not Permitted

- A. Junk yards, scrap heaps or refuse piles are prohibited except as specifically permitted elsewhere in this ordinance.
- B. The selling of motor vehicles other than the property owner's is prohibited in residential areas.
- C. The continued (more than two (2) consecutive days) outside repair of motor vehicles is prohibited.

Sec. 30.17.21. Regulations Applicable to All Single and Two Family Dwellings Located Outside Of Mobile Home Parks.

- A. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Village.
- B. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code adopted by the Village, and the area between the grade elevation of the lot and structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions, shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission, and shall contain a perimeter wall as required in Paragraph D below.
- C. If a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. No dwelling shall have any exposed towing mechanisms, undercarriage or chassis.
- D. If a dwelling is a mobile home, as defined herein, each mobile home shall contain skirting along the entire perimeter of the main frame between the ground and the bottom edge of the mobile home body. Such skirting shall be of durable, rot and fire resistant design and materials. Brick or concrete block wall construction shall be permitted as skirting. The skirting shall be securely attached and sealed to the mobile home body and shall contain a rat proof wall or slab to prevent the entrance of rodents and other animals to underneath the mobile home. One (1) access door shall be permitted in the skirting, and adequate screening vents shall be required in the skirting around the entire perimeter at intervals of not more than twenty (20) feet so as to provide adequate cross-ventilation. All skirting shall be maintained in good condition at all times.
- E. All dwellings shall be connected to an approved sewer and water supply system.

- F. All dwelling units shall provide a minimum height between the floor and ceiling of 7.0 feet for 50% of the floor area.
- G. All dwelling units shall provide storage areas (either within a basement or in an attic, or in a separate, fully enclosed structure) of not less than 15% of the living area of the dwelling unit, exclusive of storage space for automobiles. Said storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this Ordinance.
- H. The minimum width of any single family dwelling unit shall be 22 feet for at least 67% of its length.
- I. All dwelling units shall provide a minimum of two separate points of ingress and egress. Each point of egress shall be located on a different side of the structure.
- J. All dwelling units shall provide steps or porch areas permanently attached to the foundation where there exists an elevation differential of more than 1 foot between a door and the surrounding grade.
- K. All dwelling units shall provide from within the dwelling unit at least one means of access to any basement or crawl space.

Sec. 30.17.22. Traffic Visibility and Corner Clearance:

In order to prevent traffic safety hazards arising from inadequate visibility at street intersections, only fences, structures or plantings which do not total more than thirty (30) inches in height above the curb line may be erected or be allowed to remain within twenty (20) feet of the intersection of right-of-way lines.

Sec. 30.17.23 Commercial Driveways:

The design, number, placement and construction of any driveway serving a commercial, industrial or multi-family use, or any special land use, is subject to review and approval by the Planning Commission under the provisions of Article 19, Site Plan Review and as applicable Article 20. Such driveways are subject to the following access standards and requirements

- A. Each parcel may be permitted to have one driveway provided the spacing requirements of this Section can be achieved. Additional driveways may be permitted by the Planning Commission for any site, subject to the provision of safe and adequate spacing and driveway alignment.
- B. Driveways shall be located to prevent left turn lockups in the street, to otherwise minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
- C. Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.

Sec. 30.17.24 Joint/Shared Driveways:

Joint or shared driveways are permitted subject to the following provisions.

- A. Easement: Each joint or shared driveway used to access more than one lot shall be positioned entirely within a driveway easement. The driveway easement for joint

drives serving single and two family residential lots shall be at least five (25) feet in width and may be situated on one or both of the parcels being served. Joint/shared driveway easements serving commercial, multifamily or industrial land uses shall be at least 35 feet in width. The easement may be included in determining compliance with the lot or lots minimum street frontage requirements.

- B. Minimum Street Frontage: Each lot served by a joint driveway must also have the required minimum street frontage (ref. Section 30.17.09 D) on a public street and shall not be used to facilitate the creation of flag or stacked lots.
- C. Single family and two family lots: Joint driveways, serving no more than two (2) single or two family lots or parcels, are permitted subject to the limitations and controls of above.
- D. Joint Driveways Serving Commercial, Industrial, and Multi-family Residential Lots: Joint driveways, serving no more than four (4) Commercial, Industrial, and multi-family residential lots or parcels are permitted subject to the above Subsections A and B and limitations and controls and the provisions of Sec. 30.17.23.

Sec. 30.17.25 Private streets:

Private access easements serving as access to 3 or more lots or parcels are for the purposes of this ordinance defined as private streets. Private streets may only be approved for use in developments authorized under the Planned Unit Development provisions and procedures of Articles 14, 15 and 16. Unless specifically modified or waived as part of the PUD approval, requirements for platted streets as established by the Ionia County Road Commission shall serve as the basis for private street design and construction including without limitation the requirements for street right of way, street width, surface, base and drainage

If approved, all private streets shall be controlled by a recorded maintenance agreement, access easement agreement, and deed restrictions that provide for the perpetual private (non-public) maintenance of the street to a necessary and reasonable standard to serve the parties having an interest in the street. The documents shall contain the following provisions.

- A. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
- B. A workable method of apportioning the costs of all maintenance and improvements including resurfacing.
- C. A notice that if repairs and maintenance are not made to keep the roadway in safe and good condition, such condition shall be considered in violation of this ordinance.
- D. A notice that no public funds of the Village are to be used to build, repair, or maintain the private street and that the Village of Saranac will be held harmless for any personal or property damage claims stemming from accidents occurring on or in connection with the private streets.
- E. Easements to the public for emergency and other vehicles and for other public services as are necessary.

- F. A provision that the owners of any and all of the property using the street 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, tradesmen, and others bound to or returning from any of the properties having a right to use the street.

Article 18

Supplementary Regulations

Off Street Parking and Loading

Sec. 30.18.00 Off-Street Parking and Loading Provisions: Intent

This Section is intended to ensure that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development. This Section sets forth minimum parking requirements in terms of numbers and dimensions of parking stalls, landscaping and shared parking. It also addresses the placement of drive-in facilities and loading zones.

The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide adequate directness, continuity, street crossings, visible interest and security as defined by the standards in this Section.

Sec. 30.18.01 Parking and Circulation Development Standards.

All developments which require site plan review under the terms of this ordinance shall meet the following standards:

- A. Safety Considerations. To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. Where complete separation of pedestrians, vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.
- B. Curb-cuts and Ramps. Curb-cuts and ramps shall be located at convenient, safe locations for the physically disabled, bicyclists and people pushing strollers or carts and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.
- C. Walkways
 - 1. Directness and continuity. Where street sidewalks are not already in existence along a site's public street frontage, sidewalks shall be required to be installed at the time of site development at the developer's expense. Walkways within a site shall link street sidewalks with building entrances and parking lots. Where appropriate, additional walkways within the site shall be required to directly and continuously connect areas or points of pedestrian origin and destination such as parks and schools.
 - 2. Street Crossings. Where it is necessary for the primary pedestrian access to cross drive aisles or internal roadways, the pedestrian

crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas and landscaping.

D. Lot Size/Scale. Large surface parking lots shall be visually and functionally segmented into several smaller lots according to the following standards:

1. Large parking lots shall be divided into smaller sections by landscape areas. Each section shall contain a maximum of two hundred (200) parking spaces.
2. Parking bays shall extend no more than fifteen (15) parking spaces without an intervening tree, landscape island or landscape peninsula.

E. User Needs. Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation. Pedestrian drop-off areas shall be provided where needed (especially for land uses that serve children or the elderly).

F. Shared Parking. Where a mix of uses on different pieces of property creates staggered peak periods of parking demand, shared parking calculations shall be made to reduce the total amount of required parking. Retail, office, institutional and entertainment uses may share parking areas. In no case shall shared parking include the parking required for residential uses. Evidence of a signed agreement between the property owners of both properties agreeing to the shared parking shall be provided to the Planning Commission.

G. Drive-in Facilities. Any drive-in facilities, if permitted by the zone district regulations, shall be secondary in emphasis and priority to any other access and circulation functions. Such facilities shall be located in side or rear locations that do not interrupt direct pedestrian access along connecting pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks, or other uses shall:

1. Avoid potential pedestrian/vehicle conflicts
2. Provide adequate stacking spaces for automobiles before and after use of the facility

H. Parking Lots

1. Minimum Required Spaces - The amount of required off-street parking area and space by type of use shall be determined and provided in accordance with the following Schedule 18-A. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed separately. For uses that are not specifically listed in the below schedule, the number

of parking spaces permitted shall be the number permitted for the most similar use listed.

Schedule 18-A

Minimum Required Parking Per Use

Number of Dwelling Unit(s) / Use	Minimum # of Parking Spaces per Unit of Measure
Residential	
One	1.5 per Dwelling Unit
Two	1.75 per Dwelling Unit
Three	2.0 per Dwelling Unit
Four and above	2.5 per Dwelling Unit
Mobile Homes	(2) parking spaces per dwelling unit.
Institutional	
Group Homes	(2) parking spaces for every (3) employees, and in addition, (1) parking space for each (4) adult residents, unless residents are prohibited from owning or operating personal automobiles.
Recreational Uses	(1) parking space per (4) persons maximum rated capacity.
Schools, Places of Worship or Assembly and Child Care Centers and meeting halls	(1) parking space per (4) seats in the auditorium or place of worship or assembly, or (2) parking spaces per (3) employees, or (1) parking space per (1,000) square feet of floor area, whichever requires the greatest number of parking spaces
Business \ Commercial	
Restaurants	
a. Fast Food	15/1000 square feet
b. Standard	10/1000
Bars, Taverns, and Nightclubs	10/1000 square feet
Theaters	1/3 seats
General Retail	4/1000 square feet
Personal Business and Service Shop	4/1000 square feet
Shopping Center	5/1000 square feet
Grocery Store, Supermarket	6/1000 square feet
Lodging Establishments	1/unit plus specified requirements for other related facilities.
Automobile Repair Shop and Service Station	3/1000 square feet

Low Intensity Retail, Repair Service, Workshop and Custom Small Industry	2/1000 square feet
Health Facilities	
a. Hospitals	1/bed
b. Long-Term Care Facilities	.33/bed + plus 1/two employees on major shift
Office	
Medical, Dental, Veterinary offices	4/1000 square feet
Banks, Business and General Office, government offices and meeting hall	3/1000 square feet plus(1) parking space per (4) seats in a meeting hall
Industrial	
Manufacturing, light industrial, and research	1.5/1000 square feet plus additional for general offices as above
Wholesale, warehouses, distribution facility	.67/1000 square feet plus additional for general offices as above
Other industrial uses	1/employee plus additional for general offices as above

2. Minimum Size and Units of Measurement – All off-street parking facilities required by this Chapter shall be of adequate size and design to provide safe ingress and egress to all parking spaces. The minimum standards for parking spaces and aisles are as indicated in Schedule "18-B".

Schedule 18-B

Parking Pattern	Parallel	Up to 53 Degrees	54-74 Degrees	75-90 Degrees
Maneuvering Lane Width				
1-Way	12 ft	13 ft	16 ft	12 ft
2-Way	22 ft	22 ft	22 ft	24 ft
Parking Space Width*	8.5 ft	9 ft	9 ft	9 ft
Parking Space Length**	22 ft	18 ft	18 ft	18 ft
Total Width of 2 tiers of Parking, plus lane				
1- Way	29 ft	49 ft	52 ft	48 ft
2- 2- Way	39 ft	58 ft	58 ft	60 ft

* Measured perpendicular to the space centerline

** Measured along the space centerline

Sec. 30.18.02 Internal Access Drives:

Each lane of driveway providing access to parking areas shall be a minimum of ten (10) feet in width. Where a turning radius is necessary, it shall be of an arc that allows unobstructed vehicle flow.

Sec. 30.18.03 Required Construction:

All parking and loading facilities and access drives for uses other than single family residential and agricultural shall be provided with a pavement surface consisting of bituminous concrete or asphalt. Driveways shall be constructed with materials equal to or better than the standards set forth by the Ionia County Road Commission for commercial driveways. Parking lots and driveways shall be completely constructed prior to the issuance of an occupancy permit, weather permitting. All parking surface shall be maintained in good safe condition, free from dust, trash and debris and cleared of ice and snow as needed.

Sec. 30.18.04 Entrances and Exits:

Driveway entrances shall be positioned so as to comply with the clear vision and site distances as established by the Ionia County Road Commission. All non-residential parking and loading facilities shall have entrances and exits within the zoning district in which the principal use is permitted.

Sec. 30.18.05 Drainage:

All off-street parking and loading areas shall be graded and drained to dispose of surface water. No surface water shall be permitted to drain onto adjoining property unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained.

Sec. 30.18.06 Parking Lot Location:

- A. Location Standards for Parking Areas in Non-Residential Zones. Every parcel of land hereafter established as a parking area in a non-residential zone shall be developed and maintained in accordance with the following requirements:
1. Parking areas shall be effectively screened on any side that adjoins property in a residential zone by an evergreen hedge screening or other natural landscaping. If owners of adjacent residential properties agree, the screening may be a solid, decorative fence or wall not to exceed 6 feet in height.
 2. No part of any parking area or access drive shall be closer than five (5) feet to any property line unless connected to another adjoining parking area by driveways. No access drive shall be less than 20 feet in width nor closer than 25 feet to any residentially zoned lot or intersecting street right-of-way lines.
 3. For commercial and all nonresidential uses in commercial zones, required parking shall be provided within seven hundred (700) feet of the use or the owner may be required to contribute to a community parking fund, if

established by the Village Council and in existence at the time of development.

4. For industrial uses, required parking shall be provided within seven hundred (700) feet.

B. Location Standards for Parking Areas in Residential Zones. For all residential buildings and for all non- residential uses or buildings located in residential districts, required parking shall be provided on the same parcel as the building or use.

1. One and two-family dwellings: Required on-premise parking shall be provided on the same lot or parcel as the dwellings they are intended to serve. On-premise parking must be outside of the public right of way and may consist of driveway areas, parking strips or parking aprons adjacent to the driveway and/or space internal to a garage or car-port. Improved hard surface or gravel parking strips and aprons must be placed between the driveway and the side property line or other area that does not otherwise extend in front of a habitable ground floor area of the dwelling. Within the permissible areas between the driveway and the side property line, parking strips and parking aprons may be located no closer than five (5) feet to a street right of way line and one (1) foot from the property line. The maximum combined width of parking aprons, parking strips and driveways within the front yard shall be thirty (30) feet.
2. For single family dwellings, the width of driveway throats within the public right of way shall not exceed twenty-four (24) feet. Total driveway/parking strip/apron width and the width of driveway throats within the public right of way for two-family dwellings shall not exceed forty-eight (48) feet.
3. In the cases of attached three, four family or multiple family dwelling complexes, the Planning Commission shall review and approve the location of off street parking spaces as part of its site plan approval required under Article 19.

Sec. 30.18.07 Required Lighting:

All parking and loading facilities utilized during night-time hours shall be artificially illuminated to a minimum level of .5 foot candles and a maximum level of five (5) foot candles, with one (1) foot candle being the desired level of average illumination. Lighting fixtures providing illumination for or within parking facilities shall be designed and arranged to:

- A. Deflect light away from adjacent properties, streets, and highways. The source of illumination in any parking facility located within 200 feet of a residential use or district, shall not be more than 20 feet above the parking surface. All pole mounted lighting shall be shrouded with 90 degree full cut-off fixtures to prevent uplighting. A maximum level of .5 foot candles shall be provided at the property line common to a residential use or district.
- B. Allow a reduction of the amount of artificial light during other than normal parking hours.

Sec. 30.18.08 Landscaping:

Landscape features within front yard parking areas shall be installed in accordance with the minimum standards outlined in Section 30.18.40. They shall be protected by a raised concrete curb or anchored timbers around their borders to prevent motor vehicle infringement upon the landscape area.

Sec. 30.18.09 Loading Spaces:

For each building or addition to an existing building exceeding ten thousand (10,000) square feet requiring the receipt or distribution of materials or merchandise in vehicles, there shall be provided off-street loading spaces in relation to floor area according to the following schedule:

- A. Up to twenty thousand (20,000) square feet - one (1) space.
- B. Twenty thousand (20,000) to fifty thousand (50,000) square feet - two (2) spaces.
- C. Fifty thousand (50,000) to one hundred thousand (100,000) square feet - three (3) spaces.
- D. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

Each loading space shall be at least ten (10) feet in width and twenty-two (22) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residence district unless it is wholly within a completely enclosed building or enclosed on all sides by a wall or a decorative wood or masonry fence six (6) feet in height. No such space shall extend into the front, side or rear yard setback areas.

Refuse disposal service areas shall be screened from public view with a suitable decorative fence, masonry wall and or plant material.

Sec. 30.18.10 Deferred Parking (Non-Residential Uses):

As a means of avoiding greater amounts of parking spaces and impermeable surface than are reasonably needed to serve a particular use while still ensuring site adequacy for a broad range of potential changes in the use of a particular building or premises, the Planning Commission may defer construction of the required number of spaces for any industrial, commercial, office or other non-residential use if the following conditions are satisfied.

- A. An application is filed with the Planning Commission accompanied by a development plan of the entire project showing the design and layout of all required parking areas including areas proposed for deferred parking. The design of the parking area, as indicated on the development plan shall include sufficient space to provide for the total parking area as required by Section 30.18.01, Schedule 18A.
- B. The area designated for deferred parking may not include areas required for setbacks, side or rear yards, landscaping or greenbelts or land otherwise unsuitable for parking due to environmental or physical conditions.

The Planning Commission, may modify the requirements of Schedule 18A. The Planning Commission may also impose reasonably necessary conditions to protect the public

interest and may require financial surety to assure completion of any related improvements required as a condition of Deferred Parking Plan Approval. At any time subsequent to the approval and construction of a deferred parking plan, the Planning Commission may, based on review of parking needs by the Zoning Administrator, require the construction of additional parking spaces as required in Schedule 18A.

Sec. 30.18.11 Miscellaneous Off-Street Parking Provisions:

- A. Existing Off-Street Parking At the Effective Date of this Ordinance: Off-Street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced or expanded in size to less or more than that required under the terms of this Ordinance.
- B. Fractional Requirements: When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, the fraction shall be considered one full required space.
- C. For the purposes of determining off-street parking and loading requirements, the floor area shall mean the floor area of all floors of a building as defined in Article 2.
- D. It shall be unlawful to use any off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than parking of licensed vehicles or the loading or unloading of necessary service trucks, unless otherwise provided.

Sec. 30.18.12 through 30.18.19 reserved

Sec. 30.18.20 Signs and Billboards: General Regulations.

The following regulations apply to signs in all zoning districts:

- A. No person shall place, maintain, or display within the Village any sign, signal, marking, device, blinking, oscillating or rotating light or lights, decoration or banner which is or purports to be or is in imitation of or resembles or which can be mistaken for a traffic control device or railroad sign or signal, which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street any traffic sign or signal bearing thereon, any commercial advertising.
- B. No person shall place, maintain or display along any street any blinking, oscillating or rotating light or lights sufficiently similar in color and design that they may be mistaken for the distinguishing lights authorized by law for emergency vehicles or that creates a hazard for the safety of drivers using said highways.
- C. No permanent or temporary business sign, billboard, or other type of permanent or temporary sign shall be constructed, erected or attached to or painted upon a building prior to the issuance of a permit for such a sign by the Zoning Administrator.
- D. All signs shall be maintained in good condition and repair. All non-conforming signs may be maintained until such time as the sign structure must be replaced,

after which the sign shall conform to the provisions of this ordinance. This paragraph is not intended to prevent the painting or re-lettering of a sign.

Sec. 30.18.21 Definitions.

The following terms and their meanings shall apply relative to the provisions of this Section.

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. For the purposes of this ordinance the terms awning and canopy are considered interchangeable.
- B. Awning/Canopy Sign: A sign affixed to the surface of an awning or canopy.
- C. Balloon Sign: A sign composed of a non-porous bag of material filled with air or gas.
- D. Banner Sign: A portable sign of fabric, plastic or other non-rigid material without an enclosing structural framework.
- E. Billboard: Any sign exceeding thirty-two (32) square feet in area which advertises an establishment, product, service or activity not available or not conducted on the lot on which the sign is located.
- F. Business or Commercial Sign: A sign, including a sign on the wall of a building or using lettered, figured or pictorial messages which are displayed for advertising a business, service, entertainment product, or other enterprises or commerce on such land.
- G. Changeable Copy Sign: "Changeable Copy Sign" means one of the following:
 - 1. Manual -A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials; or
 - 2. Automatic -An electronically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used as a message center reader board.
- H. Commercial Establishment:
 - 1. A business operating independently of any other business located in a freestanding building;
 - 2. In a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business;
 - 3. In an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public;
 - 4. In an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

- I. Copy: The wording on a sign surface in either removable or permanent letter form.
- J. Exempt Sign: A sign for which a sign permit is not required.
- K. Flag Sign: A flag which is attached to a pole and which is used as a commercial sign.
- L. Freestanding Sign: A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.
- M. Ground Sign: A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign in order to be a ground sign.
- N. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- O. Marquee Sign: A sign affixed flat against the surface of a marquee.
- P. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- Q. Nameplate: A non-illuminated, on-premise sign giving only the name, or address of an occupant or group of occupants.
- R. Non-Commercial Sign: A sign either portable or non-portable not advertising commerce, trade or location and not otherwise defined herein.
- S. Pole Sign: A free-standing sign which is supported by a structure, poles or braces which are less than 50% of the width of the sign.
- T. Portable or Temporary Sign: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as signs on moveable trailers whether rented or owned, devices such as banners, pennants, search lights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.
- U. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
- V. Reader Board: A portion of a sign on which copy is changed manually.
- W. Roof Line: the top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.
- X. Roof Sign: A sign erected above the roof line of a building.
- Y. Sign: A device, structure, fixture or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity or otherwise intended or used to advise or inform.

- Z. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.
- AA. Window Sign: A sign installed inside a window and intended to be viewed from the outside.
- BB. Vehicle Sign: A sign located on or attached to a vehicle which is primarily located or used to serve as a sign rather than as transportation. This includes, but is not limited to, automobiles, trucks, boards or airplanes and semi-trailers, either attached or detached, from a truck tractor.

Sec. 30.18.22 Prohibited Signs.

A sign not expressly permitted by this ordinance is prohibited. The following types of signs are expressly prohibited:

- A. Balloon, strings of light bulbs, pennants, streamers or flags, except for those flags of a non-commercial nature, not used for the purpose of commercial advertisement.
- B. Portable signs, except as may be permitted herein.
- C. Balloon signs.
- D. Any sign which has flashing, moving, oscillating or blinking lights excluding automatic changeable copy signs which are permitted. Electronic copy which changes not more often than once every five (5) seconds, by means of scrolling or other discernible changes in the pattern of illuminated lights, shall not be considered to flash or blink for the purposes of this subsection.
- E. Roof signs.
- F. Vehicle signs.
- G. Any sign placed within a public road right-of-way by anyone other than a governmental entity.

Sec. 30.18.23 Signs Exempted.

The following signs shall be exempted from the provisions of this Ordinance except for the standards of Section 30.18.26 and the district in which they are located.

- A. Signs erected by a government agency within a public road right-of-way when in compliance with state and federal guidelines.
- B. Non-commercial signs two (2) square feet or less.
- C. Window signs.
- D. Murals.
- E. Signs not visible from any street or adjacent parcel of property.
- F. Nameplate signs two (2) square feet or less.
- G. Flags of a non-commercial nature.

Sec. 30.18.24 Signs Not Needing A Permit.

The following signs as defined in this chapter will not require a permit but are subject to compliance with standards contained in this Ordinance (ref. Sections 30.18.27, and 30.18.28).

- A. Non-commercial signs.
- B. A sign placed upon a parcel of property during construction of a building that is not larger than 32 square feet in area and eight (8) feet in height.
- C. A sign placed upon a parcel of property being offered for sale or lease, not more than eight (8) square feet in area for residential property or thirty-two (32) square feet in area for non-residential property.
- D. A sign not to exceed sixteen (16) square feet in area placed upon a parcel of property that is being used as a commercial establishment while they are actively seeking employees to work on that same parcel of property.
- E. Parked vehicles which bear signs provided they are not deliberately parked or located for conspicuous display and therefore do not function as signs.

Sec. 30.18.25 Sign Permits and Application.

A. Permits Required -A sign permit shall be required for the erection, use, construction or alteration of all signs except those exempted herein. For purposes of this section, alteration shall mean any change to an existing sign except changing the copy. Alteration shall not mean normal maintenance of a sign.

B. Application -An application for a sign permit shall be made to the Zoning Administrator along with a fee as required by Village Council by resolution. The application, at a minimum, shall include the following:

- 1. Name, address and telephone number of applicant and the person, firm or corporation erecting the sign.
- 2. Address and permanent parcel number of the property where the sign will be located; and the zoning district in which the sign is to be located.
- 3. A sketch showing the location of the building, structure or lot upon which the sign is to be attached or erected and showing the proposed sign in relation to easements, buildings and structures along with setback from lot lines.
- 4. Two blueprints or drawings of the plans and specifications, method of construction and attachment to structures or ground, stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than thirty (30) pounds per square foot of area.
- 5. Any required electrical permit shall be attached to the application.
- 6. For a pole sign which is to be twenty (20) feet or higher design plans sealed by a professional engineer shall be submitted with the application.
- 7. Any other information which the Zoning Administrator may require in order to demonstrate compliance with this Ordinance.
- 8. Signature of applicant or person, firm or corporation erecting the sign.

- C. Electrical Signs -All signs requiring electrical service shall be reviewed for compliance with the Village's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.
- D. Issuance of Sign Permit -The Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Village ordinances are met. A sign authorized by a permit must be installed or under construction within six (6) months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon submittal of a new application and fee. Within seven (7) working days after receipt of the application, the Zoning Administrator shall either approve or deny the application or refer the application back to the applicant where insufficient information has been provided. If the permit is denied, the Zoning Administrator shall state the reasons for the denial. The applicant shall then have the right to appeal any such decision to the Zoning Board of Appeals. In the event the Zoning Administrator does not act within said seven days, that application shall be deemed approved.

Sec. 30.18.26 Design, Construction and Location Standards.

- A. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the weather.
- B. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- C. Signs shall be constructed to withstand all meteorological, geologic and vibration forces normally expected to occur in the vicinity and shall be grounded for lighting strikes.
- D. Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- E. Signs may not be placed in, upon or over any public right-of-way, public or private access or road, drainage or utility easement or alley, except as may be otherwise permitted by the Village street authority or the holder of the subject access, drainage or utility easement.
- F. A light pole or other support structure not specifically designed as a sign support structure may not be used for the placement of any sign unless specifically approved for such use
- G. A sign may not be erected where by reasons of its position, shape, color or other characteristics, it would interfere with, obstruct or be confused with an official traffic sign, signal or device.
- H. A sign may not contain rapidly flashing or moving parts or have the appearance of having rapidly flashing or moving parts, except for automatic changeable copy signs and other electronic copy, which changes not more often than once every five (5) seconds, by means of scrolling or other discernible changes in the pattern of illuminated lights, shall not be considered to rapidly flash, blink or move for the purposes of this subsection.

- I. A wall sign may not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- J. A sign and its supporting mechanism may not extend beyond the lot lines of the property on which it is located.

Sec. 30.18.27. Sign Regulations Applicable To All Districts.

The following sign regulations are applicable to all zoning districts.

- A. All signs must be stationary
- B. Wall and freestanding signs may include reader boards.
- C. Pole signs and awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- D. Vehicles or trailers which are intended to function as or used as signs, are prohibited.
- E. While construction of a building occurs upon a parcel of property, a sign is permitted in any district subject to the following restrictions:
 - 1. A sign shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
 - 2. A sign shall not be erected until a building permit has been issued for the project and construction activity has begun.
 - 3. Signs shall be removed immediately upon the issuance of any occupancy permit for the building or structure on the property.
- F. During a special event of a noncommercial nature of interest to the general public signs, including banner signs, are permitted in any district, subject to the following:
 - 1. No more than three (3) such signs shall be displayed within the Village at any one time during each special event. Such signs may be located either on or off the lot on which the special event is held.
 - 2. The display of such signs shall be limited to the ten (10) days immediately preceding the special event and shall be removed within forty eight (48) hours of the conclusion of the special event.
 - 3. Unless a banner sign, such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height above ground level of six (6) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet. The front setback shall be as required for signs in the district in which the sign is to be located.
 - 4. Banner signs within or over the street right of way shall be a maximum of sixty (60) square feet in area and shall be hung so as to provide adequate vehicle clearance and to avoid interference with traffic visibility.
- G. Non-commercial signs are permitted in all zoning districts subject to the following restrictions:

1. Such signs shall be subject to the regulations of the zoning district in which the sign is located.
2. Non-commercial signs may remain until such signs are in disrepair and are deemed to no longer comply with Sec. 30.18.26 and the requirements of the district in which it is located.

Sec. 30.18.28 Signs in the Residential and OSP Districts.

Only the following signs shall be permitted in residential districts:

- A. Signs as permitted in Sections 30.18.24 and 30.18.25.
- B. One non-illuminated name plate sign not more than 288 square inches in area.
- C. One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed 8 square feet in total area. Such sign shall be removed upon completion of a purchase or lease agreement. Election and campaign signs shall be removed within 48 hours after the date of the election to which the sign pertains.
- D. A ground sign or pole sign of not more than 35 square feet in area and 7 feet in height advertising the name and activities of a permitted non-residential use.
- E. No sign permitted in a residential district shall be erected closer to any street or road than half the setback required for the principal building to be erected on said lot, provided that a name plate sign not more than 72 square inches in area may be placed anywhere within the front yard.

Sec. 30.18.29. Signs in the NS, CBD And Commercial PUD Districts.

- A. Signs as permitted in Sections 30.18.24 and 30.18.25.
- B. Billboards are specifically prohibited in these districts.
- C. All signs except exempt signs located on a lot may not aggregate more than one hundred (100) square feet in area.
- D. All signs must be attached flat against the building, except that one freestanding or pylon sign may be permitted, not to exceed 35 square feet in area on either side, provided said freestanding sign is located at least five (5) feet from the street right-of-way and does not exceed 20 feet in height.
- E. A sign facing residentially zoned property shall not be located within fifty (50) feet of a residential lot line.
- F. Signs shall not project above the roof line or parapet wall around the roof.
- G. Gasoline Service Stations, automotive sales areas and automotive repair shops may display in addition to the foregoing signs, the following signs which are deemed customary and necessary to their respective business:
 1. One free-standing or pylon sign, provided that such sign shall not exceed 35 square feet in area on a side;
 2. Two additional wall signs or canopy signs provided that each sign does not exceed 9 square feet in area;
 3. Signs or lettering displayed over individual entrance doors or bays;

4. Lettering insignias which are a structural part of a gasoline pump island; and;
 5. A non-illuminated name plate sign.
- H. The Planning Commission may authorize the display of temporary banners or, signs sponsored by a non-profit organization advertising a community event, even though said sign or banner may not conform to the regulations of this district subject to the provisions of Section 30.18.27 F.

Sec. 30.18.30 Signs in the IND-Industrial and I/S Industrial/Service Districts.

The following signs are permitted in the IND- Industrial and I/S districts:

- A. Signs as permitted in Sections 30.18.24 and 30.18.25.
- B. Any sign permitted, as regulated, in the commercial districts.
- C. Billboards are permitted - provided they shall not exceed 35 square feet in area or 20 feet in height. No billboard shall be erected closer than 300 feet to any other billboard. The yard requirements for a principal building shall be met.

Sec. 30.18.31 through 30.18.39 reserved.

Sec. 30.18.40 Landscape Standards:

It is the purpose of this Section to require buffer zones and landscape screening to improve aesthetics, reduce the negative impacts between incompatible land uses and to provide for landscaping within and around parking lots. It is further intended to preserve and enhance the character, privacy and land values of the Village.

Sec. 30.18.41 Buffer Yards Required:

- A. Buffer yards: Each use permitted on a lot or parcel located in a commercial or industrial district and each non residential use permitted in a residential district shall provide a buffer yard within each front, side and rear yard. The buffer yards shall begin at the right-of-way line in the case of front yards and the side and rear property lines in the case of side and rear yards. Buffer yards shall be landscaped and maintained in accordance with the standards and guidelines contained in this Article. Buffer yards shall be required to run the entire length of each property line or street frontage except within driveways and within parking areas shared by adjoining properties. The Planning Commission may wave or modify the buffer yard requirements within the CBD District where established building lines and limited lot area precludes the establishment of buffer yards. The width of required buffer yards are as follows:
 1. Front yard: 10 feet.
 2. Side yard: 5 feet, increased to 15 feet when adjacent to any residential use or residential zoning district.
 3. Rear yard: 5 feet increased to 15 feet when adjacent to any residential use or residential zoning district.

Sec. 30.18.42 Minimum Landscaping Within Required Buffer Yards:

- A. The following schedule indicates the minimum landscape requirements for buffer yards as required under Section 30.18.41.

Schedule 18-C

Minimum Quantity Of Plant Materials In Buffer Yards

Per lineal area

Plant Type	Rear Buffer Yard	Side Buffer Yard	Street Buffer Yard
Deciduous Canopy Tree	-	1 plus 1 for each whole increment of 50 feet	1 plus 1 for each whole increment of 50 feet
Deciduous Understory or Ornamental Tree	-	1 plus 1 for each whole increment of 50 feet	1 plus 1 for each whole increment of 20 feet
Shrubs (deciduous or evergreen)	-	-	One for each canopy and understory tree required
Evergreen/Conifer Tree	2 plus 1 for each whole increment of 15 feet	One for each canopy and understory tree required	-

- B. A required buffer yard may contain a walkway or bicycle pathway, provided that its location within the public right-of-way is shown to be not feasible and the required amount of plant material is provided.
- C. Stormwater Retention/Detention Facilities in Buffer yards. Storm water retention/detention facilities may extend into buffer yards where it can be demonstrated that all planting requirements are met, the desired effects provided by the buffer yard will be fully achieved and ponding will not jeopardize the survival of the plant materials.
- D. Required plantings for a buffer yard must be planted in or within ten (10) feet of the required buffer yard or greenbelt.
- E. Existing Plant Materials - Existing plant materials which satisfy the minimum size requirements set forth in this Section and all other requirements or specifications of this Section justify the granting of a waiver or partial waiver under Section 30.18.44 M.
- F. Minimum Plant Size - New plant materials must meet the minimum plant size requirements contained in Schedule 18-D below when in a required planting.

Schedule 18-D

Minimum Planting Size

Plant Type	<i>Front Buffer Yards</i>	Plantings in Side and Rear Buffer Yards and all other required plantings
Deciduous Canopy Tree	2" Caliper	1 - 1/2" Caliper
Ornamental Understory Tree	1 - 1/2" Caliper	4 ft. height
Evergreen Tree	5 feet (height)	4 feet (height)
Shrub (Upright)	24 inches (height)	15 inches (height)
Shrub (Spreading)	18 inches (average spread)	12 inches (average spread)

- G. When Buffer Yard Landscaping Requirements Apply to Existing Uses - The buffer yard landscaping requirements shall apply to all expansions, renovations, or alterations which increase the size of an existing structure or building cumulatively by at least 20 percent of its gross floor area as of the effective date of these regulations.
- H. Berms - Undulating earthen berms up to four (4) feet in height, above average surrounding grade are encouraged. The approving body may grant credit of up to 25 percent against the required buffer yard plantings for undulating berms that average three (3) feet in height or greater above the average surrounding grade.

Sec. 30.18.43. Off-Street Parking Areas:

- A. Off-street parking areas containing 21 or more parking spaces shall be provided with landscaping in accordance with the following:
1. 21 through 100 spaces - 1 canopy tree and 100 square feet of landscaped area per 10 spaces.
 2. 101 through 200 spaces - 1 canopy tree and 60 square feet of landscaped area per 15 spaces.
 3. 201+ spaces - 1 canopy tree and 60 square feet of landscaped area per 20 spaces.
- B. Required buffer yards or greenbelts shall not be considered as part of the off-street parking landscape area.
- C. Required parking lot landscape areas shall comply with the following standards:
1. The minimum size of landscape islands and peninsulas shall be 60 square feet with at least 4 feet of width.
 2. Grass, shredded bark, stone or a living ground cover shall cover all landscaped areas.

3. All landscaped areas shall contain at least 1 canopy tree. The tree shall be located so as not to be easily damaged by vehicles.
4. The Planning Commission shall approve the location of required off-street parking landscaping using the following criteria:
 - a. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or on adjacent properties, or obstruct vision for safe ingress and egress.
 - b. Trees shall be installed in such a manner that parked motor vehicles are shaded whenever possible.
 - c. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces.
 - d. At least one-half of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point 10 feet from the outside boundary of the parking area.
- D. Landscaped areas need not be protected by a raised standard or rolled concrete curb if the area is appropriately designed as point of collection and retention for storm water runoff.

Sec. 30.18.44. General Landscape Standards:

Unless specifically waived by the Planning Commission, all sites within the commercial and industrial districts shall be landscaped in accordance with a plan and specifications approved by the Planning Commission as part of Site Plan Approval. The entire disturbed area of the site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Undisturbed areas of the site shall be left in a natural vegetative state. Graded expansion areas may be placed in grass and kept weed free. Any areas which become disturbed for any reason, shall be restored in accordance with the original landscape plan unless approved by the Planning Commission.

- A. Landscaping shall be installed within one hundred eighty (180) days of completion of the building or structure.
- B. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- C. Adequate watering systems shall be provided on private property to serve landscaped areas. Such areas shall be neatly maintained, including mowing, fertilizing, and pruning.
- D. Parking and loading areas shall be landscaped and/or fenced in such a manner as to interrupt or screen the areas from view.
- E. For the purpose of this Section, a corner lot is considered as having two front yards and the appropriate landscaping shall be provided for both.
- F. The extensive use of cobble stone, crushed stones, or other non-living material as ground cover is discouraged.

- G. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.
- H. Minimum Plant Material Standards.
1. All plant materials shall be hardy to the area, free of disease and insects and conform to the standards of the American Association of Nurserymen.
 2. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
 3. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
 4. Notwithstanding the list of species not credited under schedule 18-E below, existing plant material which complies with the standards and intent of the ordinance, as determined by the Planning Commission, may be credited toward meeting the landscape requirements.
 5. The plant material shall achieve its horizontal and vertical screening effect within four years of initial installation.
 6. The trees listed in Schedule 18-E are species that WILL NOT BE CREDITED for the purposes of meeting minimum landscape requirements as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests.

Schedule 18-E

Species Not Credited

<u>Common Name</u>	<u>Horticultural Name</u>
Boxelder	Acer Negundo
Ginko	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	U. Pumila
Slippery Elm; Red Elm	U. Rubra
Chinese Elm	U. Parvifolia

I. Minimum Standards for Berms.

1. Berms shall be constructed so as to maintain a side slope not to exceed a 1-foot rise to a 3-foot run ratio.
2. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.
3. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
4. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

J. Minimum Standards for Screen Walls and Fences.

1. All screen walls and fences shall be constructed with new, durable, weather resistant and easily maintainable materials. Barbed wire or electrified fences are not permitted.
2. The wall or fence may be constructed with openings that do not exceed 20% of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
3. Screen walls or fences shall not be constructed so as to alter drainage on site or adjacent properties or obstruct vision for reasons of ingress or egress.

K. Solid waste dumpsters and recycling containers may be installed within side and rear yard buffer zones provided they are shielded by a continuous screen privacy fence at least 6 feet high.

L. Requirements for projects developed in phases. If a project is constructed in phases, the landscape screen may also be constructed in phases. The Planning Commission shall determine the extent of each phase on:

1. Adjacent land uses.
2. Distance between land uses.
3. Operational characteristics both on and off site.
4. Building heights.
5. Physical characteristics of the site such as topography, existing vegetation, etc.

M. Landscaping Waiver. Should the Planning Commission determine, upon inspection, that adequate landscaping on a site already exists or that due to existing conditions and lot area limitations that the standards contained herein cannot be met, the required landscaping and screening may be waived in whole or in part. Factors which shall be used when the Planning Commission considers a landscaping waiver shall include, but shall not be limited to:

1. Topographic variations.
2. Existence of natural vegetation.

3. Existing and proposed building placement.
4. Sight distances.
5. Adjacent street, land use and building arrangements.
6. Existence of floodplain and poor soils area.

N. Installation and Maintenance Provisions.

1. The Planning Commission may require a financial guarantee of a sufficient amount to insure the installation of all required landscaping.
2. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be replaced.

Sec. 30.18.45 Home Occupations.

A home occupation may be permitted in the LDR, MDR-1, MDR-2, HDR, MHP and NS Districts in association with any dwelling in accordance with this section. For purposes of this ordinance, a home occupation is a gainful profession or occupation carried out in the home or on the residential premises by one or more persons residing on the premise, as a use that is clearly incidental to the use of the home and premise as a place of residence. A home occupation may be conducted entirely within a residential dwelling and/or an attached garage accessory to the dwelling. A home occupation may only be permitted to involve a detached garage or other detached accessory building as a special use under Article 20 (ref. SubSection 30.18.45 D through F).

A. Type I Permitted Home Occupations. The following home occupations shall be permitted by right subject to the minimum conditions of subsection B below and subject further to issuance of a zoning compliance permit by the Zoning Administrator:

1. Architecture, engineering and interior designers and similar professions
2. Beauty salons and barber shops.
3. Bookkeeping, attorneys, accounting, and financial planning.
4. Cabinet making and carpentry work.
5. Computer programming and other computer related work.
6. Consulting and counseling services.
7. Drafting and illustration services.
8. Dressmaking, sewing and tailoring.
9. Furniture upholstery.
10. Gun dealer and gun repair service.
11. Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making.

12. Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs
13. Office of minister, priest or other member of the clergy.
14. Office of building contractor or building trades persons (excluding equipment parking).
15. Office of a sales person, sales representative or manufacturers representative.
16. Painting, sculpturing and writing
17. Private tutoring.
18. Secretarial services.
19. Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like.
20. Taxidermy
21. Television and other small appliance repair.
22. Telephone answering service and telephone solicitation work.
23. Travel booking service.
24. Watch repair

B. Minimum Conditions for Permitted Home Occupations. The following minimum conditions shall apply to all permitted home occupations:

1. Home occupations involving the use of a detached accessory building or outdoor storage may only be permitted as a special use under the provisions of subsection (e) contained herein.
2. The use shall be carried out only by the residents of the premises and not more than three other persons.
3. The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes, and the appearance of the structures shall not be altered. The occupation must not be conducted in a manner that will cause the premise to take on a non-residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or electromagnetic radiation.
4. On each premises, one sign, in conformance with Sec. 30.18.28, may be used to identify a home occupation therein.
5. The maximum floor area devoted to the home occupation shall be limited to 500 square feet or 25 percent of the gross floor area of the dwelling unit and attached accessory building combined, whichever is the lesser amount.
6. There shall be no selling of goods, merchandise, supplies or products, except on an occasional basis, provided that orders placed by mail or

telephone or at a sales event off the premises may be filled on the premises.

7. No storage or display shall be visible from outside the dwelling or an attached building.
8. No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
9. There shall be no activity associated with the occupation that will interfere with local radio or television transmission or reception, nor shall there be any noise, vibrations, smoke, dust, odors, heat or glare noticeable at offensive levels at or beyond the property line.
10. The occupation will cause no appreciably greater motor vehicle or pedestrian traffic than is considered normal for a residential use in the zoning district.
11. There shall be adequate off-street parking spaces on premise in accordance with the requirements of Section 30.18.00 et. al. On street parking, or parking within the street right-of-way in support of the home occupation is prohibited.
12. Deliveries and shipments by commercial vehicles shall be on an occasional or incidental basis.

- C. Unlisted, but similar home occupations. In addition to the above listed Type I permitted home occupations, home occupations which are similar in nature and effect to those specifically listed in this section may also be classified as permitted Type I uses.

The determination whether an unlisted home occupation is sufficiently similar in nature and effect to be classified a Type I home occupation may be made by the Zoning administrator, or at the discretion and request of the Zoning administrator, the determination may be made by the Planning Commission, at a public meeting. In determining whether an unlisted home occupation is to be classified a Type I home occupation, the Zoning administrator or the Planning Commission, as the case may be, shall consider and make findings based upon the following standards:

1. Whether the home occupation is incidental and secondary to the use of the premises as a dwelling.
2. Whether the nature of the home occupation is substantially in keeping with the residential use of the property.
3. Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar Type I home occupations that are specifically permitted in this section.
4. Whether the home occupation could have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.

- D. Type II Home Occupations Approved as Special Uses. Unless otherwise governed by this ordinance the following home occupations may be permitted in the LDR, MDR-1, MDR-2, HDR, MHP and NS Districts if approved by the Planning Commission as a special use under the procedures contained in Article 20.
1. Any home occupation involving the use of a detached accessory building and or one that would exceed the floor area limitations for Type I Home Occupations.
 2. Gymnastics and dance instruction.
 3. Bed and breakfast establishments.
 4. Veterinarian's office or clinic.
- E. Type II Home Occupations – Standards. When considering any Type II home occupation for approval as a special use, the Planning Commission shall consider and make findings upon the following standards:
1. Whether the home occupation is incidental and secondary to the use of the premises as a dwelling and the likelihood or practicality that it will remain as such over time.
 2. Whether the likely effects of the home occupation upon adjacent and nearby lands are within the category and magnitude of the effects resulting from other uses permitted and occurring in the district and other home occupations that are specifically permitted without a special use permit.
 3. Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
 4. All of the standards of above section 30.18.45 B, notwithstanding those limits on the use of detached accessory buildings and floor area.
- F. Type II Home Occupations - Conditions of approval. In approving any Type II home occupation special land use, the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:
1. The use as located in a dwelling and/or an accessory building.
 2. The floor area of the use.
 3. The area, height, bulk, and location of any accessory building used for the occupation.
 4. The storage or display of goods, inventory or equipment that may be visible from outside the dwelling or accessory building and the screening thereof.
 5. The storage or use of combustible toxic or hazardous materials on the premises.
 6. Machinery or electrical activity that will interfere with nearby radio or television reception or create noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

7. Motor vehicle and/or pedestrian traffic and its circulation on and off site.
8. Off-street parking provided, and the location and surfacing and drainage thereof.

Sec. 30.18.46 through 30.18.49 reserved

Sec. 30.18.50 Wireless Communication Facilities (WCF)

It is the general purpose and intent of the Village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Village to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this Chapter, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Chapter to:

- A. Facilitate adequate and efficient provision of sites for Wireless Communication Facilities (WCF).
- B. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of Wireless Communication Facilities, subject to applicable standards and conditions.
- C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the Village. Consequently, more stringent standards and conditions should apply to the review, approval and use of the facilities.
- D. Ensure that Wireless Communications Facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- E. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- F. Promote the public health, safety and welfare.
- G. Provide for adequate information about plans for Wireless Communications Facilities in order to permit the community to effectively plan for the location of such facilities.
- H. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- I. Minimize the negative visual impact of Wireless Communication Facilities on neighborhoods, community landmarks, buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as

reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.

- J. The Village Council finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

Sec. 30.18.51 Level 1 – Circumstantial Permitted Uses And Permitted Uses Within Certain Zoning Districts.

Subject to the standards and conditions set forth herein, and not withstanding any provisions of the Zoning Ordinance to the contrary, Wireless Communication Facilities shall be permitted uses in the following circumstances, and in the following zoning districts:

- A. Where attached to an existing structure which will serve as the support structure for Attached WCF within a non-residential zoning district, where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance; or when attached to an existing structure which will serve as support for an attached WCF within any zoning district if the necessary and associated accessory building is either not visible from any residence or can be screened to that extent with landscaping and decorative walls or fences and where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance.
- B. A proposed co-location of an attached WCF upon an existing wireless communication support structure which has been pre-approved for such co-location as part of an earlier approval by the Village.
- C. An existing structure which will serve an attached WCF consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- D. A proposal to establish a new WCF shall be deemed a permitted use if proposed in a IND-Industrial or I/S Industrial/Service Zoning District.

Sec. 30.18.52 Level 2 - Special Uses.

If it is demonstrated by an applicant that a WCF may not reasonably be established as a permitted use under Sec. 30.18.51 and the WCF is, nonetheless required in order to operate a wireless communication service, then a WCF may be authorized as a special

use on a free standing site in any area of the Village outside of an IND or I/S Zoning District if it is located on one of the following types of locations:

- A. Municipal buildings and sites
- B. Church or other institutional site.
- C. State, county or other governmentally owned site.
- D. Public or private school sites.

On any of the above free standing special use WCF sites, a WCF shall be subject to application of all standards contained in Sec. 30.18.54 and Sec. 30.18.55.

Sec. 30.18.53 Level 3 - Special Uses.

If it is demonstrated by an applicant that a WCF may not reasonably be established as a permitted use in an IND or I/S Zoning District or as a special use on a free standing Level 2 site, a WCF may be permitted as a special land use elsewhere in the Village subject to the standards and conditions of Sec. 30.18.54 and Sec. 30.18.55, and also subject to the following:

- A. At the time of the submittal, the applicant must demonstrate that a location within an IND or I/S District or free standing Level 2 site cannot meet the needs required for operation of a system.
- B. The design of Wireless Communication Facility must be found by the Planning Commission to be generally compatible with the existing character of the proposed site, neighborhood and general area.

Sec. 30.18.54 Standards And Conditions Applicable To All WCF Facilities.

All applications for Wireless Communication Facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed with a special land use approval:

- A. Facilities shall be located, landscaped and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
- B. Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicants licensed engineer.
- C. Applicants shall demonstrate a justification of the proposed height of the structures and provide an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity (strobe) lighting shall not be permitted unless such lighting is required by the FAA or other Federal or State regulatory agency.
- D. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the

structure). The accessory building used to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.

- E. The setback of a new or materially modified support structure from any residential district shall be at least equal to the height of the support structure. The setback of the support structure from any existing or proposed right-of-way or other publicly traveled road shall be no less than seventy five (75) percent of the height of the structure.
- F. Where the proposed new or materially modified support structure abuts a parcel of land zoned or used for other than residential purposes, the minimum setback of the structure, and accessory structures, from that parcel shall be the greater distance of either 15 feet or the required setbacks for main or principal buildings as established for the zoning district in which the support structure is located and be otherwise sufficient taking into account the information required by Sec. 30.18.56 C.
- G. When located with direct frontage on a public road, any parcel created for the purpose of siting a new WCF must comply with the minimum lot area and lot frontage and width requirements of the district in which it is located. When located so as not to have direct frontage access, the site shall have access by an easement as required in Sec. 30.18.54 H below and the lot, lease area or easement area supporting the tower facility shall be sized to allow minimum setback requirements met or exceeded.
- H. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement that is at least 30 feet in width. This access shall have a location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- I. Notwithstanding provisions of this ordinance to the contrary a WCF may be permitted as a principle use or as a structure accessory to another principle use or structure located on the same property.
- J. Where an Attached WCF is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks. For co-location facilities served by an accessory building, there shall be a single architecturally uniform accessory building for all providers.
- K. The design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction, reduce visibility from off site, maximize aesthetic appearance including at and from ground level,

and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the WCF in a neat and orderly fashion.

- L. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geo-technical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
- M. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- N. The use of high intensity (strobe) lighting on a WCF shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- O. Applications made which do not include the signature of the licensed operator of an wireless communication service at the time of Village processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a WCF within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to co-locate on the facility that has been newly granted final approval.
- P. The antenna and other attachments on a WCF shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number of size of such attachments, and shall be designed and constructed to maximize aesthetic quality.

Sec. 30.18.55 Standards And Conditions Applicable To Special Use Facilities.

Applications for Wireless Communication Facilities which are reviewed as special uses under Article 20 shall, if approved, be constructed and maintained, in accordance with the standards and conditions in Sec. 30.18.54 any special use approval conditions, and in accordance with the following standards:

- A. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - 1. Proximity to an interstate highway or other major thoroughfare
 - 2. Areas of population concentration
 - 3. Concentration of commercial, industrial, and/or other business centers.
 - 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. Other specifically identified reason(s) creating facility need.
- B. The proposal shall be reviewed for conformity with the co-location requirements of this section.

Sec. 30.18.56 Application Requirements.

- A. A site plan prepared in accordance with Article 19 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- B. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- D. The application shall include a description of security to be posted with the Village at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subparagraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or (4) an agreement in a form approved by the Village Attorney and recordable at the office of the Ionia County Register of Deeds establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Village in securing removal.
- E. The application shall include a map showing existing and known proposed Wireless Communication Facilities within the Village, and further showing existing and known proposed Wireless Communication Facilities within areas surrounding the borders of the Village in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Village, the applicant shall be required only to update as needed.
- F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

- G. The application fee, in the amount specified by Village Council Resolution.
- H. The owner or duly authorized representative of all ownership interest in the land on which the WCF is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator of the facility does not sign the application, approval shall be restricted as provided in Sec. 30.18.54 O.

Sec. 30.18.57 Co-Location.

It is the policy of the Village to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for attached WCF purposes, consistent with the statement of purpose and intent, set forth in Sec. 30.18.50. Each licensed provider of a WCF must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of Wireless Communication Facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Village that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, and Sec. 30.18.51. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Village. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Village.

- A. Feasibility of Co-location: Co-location shall be deemed to be “feasible” for purposes of this section where all of the following are met:
 - 1. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location. For purposes of this ordinance, “market rent or other market compensation” means an amount and/or form of compensation or consideration that represents the amount that knowledgeable persons, acting in good faith, after reasonable negotiations would agree upon.
 - 2. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - 3. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, give inappropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - 4. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Village, taking into consideration the intent and

purpose of this section and the several standards contained in Sec. 30.18.54 and Sec. 30.18.55

B. Requirements for Co-location:

1. A special use permit for the construction and use of a new WCF shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs. In determining whether an applicant has undertaken to pay “market” rent or other market compensation for co-location”, consideration shall be given to whether the applicant’s claim is supported by the opinion, award, determination or recommendation of a qualified, fully informed and disinterested third person such as an arbitrator or mediator. Absent such support, the presumption may be taken that the applicant has not undertaken to pay market rent or other market compensation for co-location.
2. All new and modified Wireless Communication Facilities shall be designed and constructed so as to accommodate co-location.
3. The policy of the Village is for co-location. Thus, if a party who owns or otherwise controls a WCF shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
4. If a party who owns or otherwise controls a WCF shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation an contradiction of the policy, intent and purpose of the Village, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Village for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of

prohibiting the provision of personal wireless communication services.

Sec. 30.18.58 Removal.

- A. A condition of every approval of a WCF shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- B. In situations where removal of a facility is required, the requirements may be applied and limited to portions of a facility.
- C. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Official.
- D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- E. The person who had used the facility shall immediately notify the Village Clerk in writing if and as soon as use of a facility ceases.

Article 19

Site Plan Review

Sec. 30.19.00 Site Plan Review and Approval Required.

The purposes of Site Plan Review is to determine compliance with the provisions of this Ordinance, to promote the orderly development of the Village, to prevent the depreciation of land values through uses or structures which do not give proper attention to siting or area protection, and to provide consultation and cooperation between the applicant and the Village Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this Zoning Ordinance.

A site plan shall be submitted for review according to the standards and procedures of this Article:

- A. Special land uses and planned unit developments: All requests for special use permits and planned unit developments must undergo site plan review and approval as part of the process of review under the provisions of Articles 16 and 20 by the Village Planning Commission. Where specifically referenced, the provisions of this Article shall therefore apply to the review of special land uses and planned unit developments. Site plan review of development projects requiring the rezoning of land shall also be required prior to the rezoning action to insure that the proposed use is capable of being supported by the requested zoning.
- B. Non-residential and Multi-family residential development: Site plan review and approval by the Planning Commission in accordance with the provisions of this Article shall be required for all individual uses in all zoning districts except the following which shall be the responsibility of the Zoning Administrator under the procedures outlined in Article 25:
 - 1. Individual single family dwellings, two-family dwellings,
 - 2. Residential accessory buildings and accessory uses that are not classified as special land uses
 - 3. Non-residential accessory buildings less than 800 square feet in area.
 - 4. Any expansion of any non-residential building less than 500 square feet
 - 5. Any site change involving the paving or addition of fewer than 5 parking spaces provided that such does not also involve the addition or elimination of a driveway opening upon a public street.

Sec. 30.19.01 Site Plan Content and Accompanying Information.

A site plan shall include all of the following information except that site plans relating to applications for rezoning need only generalize:

- A. A legal description.
- B. The name and address of the professional individual responsible for the preparation of the site plan.

- C. An accurate scaled (not less than one inch equals 100 feet) plot plan or plans based on an accurate certified land survey indicating the gross land area of the development, present zoning of the subject land and adjacent lands. The drawings shall be referenced to a date, north arrow, and scale. The scale shall not be smaller than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if the subject property is three (3) acres or more. The site plan shall include:
1. Location, size and type of present buildings or structures to be retained or removed.
 2. Location of all proposed buildings, structures or other improvements.
 3. Location and dimensions of existing and proposed streets, drives and parking lots.
 4. Location of existing and proposed water and sewer lines.
 5. Storm drainage, existing and proposed.
 6. Refuse and service areas.
 7. Utilities with reference to location, availability and compatibility.
 8. Screening and buffering with reference to type, dimensions and character.
 9. Existing and proposed topographical features at contour intervals no greater than two (2) feet.
 10. Ditches and water courses.
 11. Ground cover and other pertinent physical features of the site -including existing tree stands and individual trees over eight inches in diameter.
 12. Proposed landscaping.
 13. Location of existing improvements.
 14. Location of lot lines, existing and proposed easements; and encroachments.
 15. Loading and unloading facilities.
 16. Exterior lighting including the location, height and type of all exterior light fixtures.
 17. Location of existing structures, driveways and streets and water bodies on land immediately adjacent to the site within one hundred (100) feet of the site's parcel lines and on opposite sides of each street fronting the property.
 18. Proposed signs, including their location, dimensions and type of construction.
 19. Building height and drawings of the exterior (elevation drawings) and and/or perspective drawings of proposed buildings and structures.

- D. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
- E. Gross areas of buildings and parking.
- F. The above listed items are minimum requirements. Additional information as reasonably necessary to evaluate the site plan may be requested by the Planning Commission and may include but shall not be limited to:
 - 1. The proposed locations and approximate dimensions and duration of temporary soil stockpiles and the proposed location of temporary access drives, and staging areas for use in the construction phase.
 - 2. Proposed temporary and permanent soil erosion and sedimentation controls.
 - 3. An exterior lighting plan including a photometric grid showing illumination levels from all exterior light sources on the site including but not limited to parking lot fixtures, signs and building lighting.

At the time of initial review the Planning Commission shall have the discretion to waive the inclusion in the site plan of any of the information required by this Article, to reject a site plan on the basis of inadequate information, or to table a final decision on a site plan pending submittal of more detailed information.

Sec. 30.19.02 Review Standards.

The Planning Commission shall approve a site plan if it determines that:

- A. The proposed project complies with the requirements of this Ordinance;
- B. The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and
- C. The proposed project will be consistent with the public health, safety, and welfare needs of the Village.

In making its determination, the Planning Commission shall apply the following standards:

- 1. Landscape Preservation: The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Berms, greenbelts, or other screening may be reasonably required to enhance compatibility with adjoining properties.
- 2. Relation of Buildings to Environment: Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity.
- 3. Drives, Parking and Circulation: With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic and

arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the design of the proposed buildings and structures and the neighboring properties.

4. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be drained away from all roofs, canopies, and paved areas by means of a suitable drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.
5. Utility Service: Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
6. Signs: The size, location and lighting of all signs shall be consistent with the requirements of Article 18 of this Ordinance and shall be compatible with adjoining properties.
7. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall comply with reasonable setback requirements, screen plantings or other screening methods.

Sec. 30.19.03 Conditions.

The Planning Commission may impose reasonable conditions on the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet any of the following requirements.

- A. 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.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, including but not limited to, the standards in Section 30.19.02, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

Sec. 30.19.04 Review Procedure.

A minimum of nine (9) copies of a site plan shall first be submitted to the Village Zoning Administrator. Upon determining that the proposed use complies with the Zoning Ordinance, the Village Building Code, and all other pertinent codes and ordinances of the Village, the Zoning Administrator shall cause the site plan to be placed on the agenda of a meeting of the Planning Commission and shall transmit the copies of the site plan to the Planning Commission for its review in accordance with this Article.

Upon approval of a site plan by the Planning Commission, the site plan, along with all documents submitted and depicting the use, as approved, shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan.

Upon approval of a site plan, at least four (4) copies of the site plan shall be signed and dated by the Chairperson of the Planning Commission. As applicable, copies of the approved site plan shall be kept on file with the Village, the Zoning Administrator, and the Village Building Inspector. One copy shall be returned to the applicant. Following the issuance of a zoning compliance permit as provided in Article 25, the Building Inspector shall issue a building permit for an approved site plan. Failure to conform to an approved site plan shall constitute a violation of this Ordinance.

Sec. 30.19.05 Changes To An Approved Site Plan.

An approved final site plan, and any conditions imposed in relation thereto, may not be changed except upon the mutual consent of the Planning Commission and the applicant, and as otherwise provided by this Section.

- A. Major changes. Except for changes as provided by Subsection B below, changes to an approved site plan shall be reviewed, approved, approved with conditions, or denied by the Planning Commission pursuant to the same procedures of this Article as are applied to an original request for site plan review and approval.
- B. Minor changes. Minor changes to an approved site plan may be approved by the Zoning Administrator, acting as the agent of the Planning Commission, without review and approval by the Commission. For purposes of this Section, "minor changes" means changes which meet one or more of the following qualifications:
 - 1. For buildings, a reduction or increase by not more than 5% in the size of structures, provided that there is no increase in the number of dwelling units.
 - 2. A revision in floor plans, if consistent with the character of the use.
 - 3. The alteration of building and structure height by no more than 5% provided that it does not result in the addition of a story or exceed applicable maximum height limitations.
 - 4. The minor adjustment of building footprints unless a specific setback or separation distance was imposed as a condition of final approval.
 - 5. An increase or expansion of areas designated on the Final Site Plan as "not to be disturbed."

6. The substitution of plant materials included in the Final Site Plan, provided they are substituted by similar types of landscaping on a 1-to-1 or greater basis, as determined by the Zoning Administrator.
7. Minor alterations made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, side walks/bicycle paths.
8. Changes made to exterior materials, if the changes do not change the approved architectural style but provide for the use of materials of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
9. A reduction in the size of signs, or an increase in sign setbacks.
10. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces remains sufficient and circulation hazards or congestion are not created by the redesign.
11. A change in the name of the approved project or in the names of streets within the project.
12. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the use which are deemed by the Zoning Administrator to be not material or significant in relation to the entire use and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Planning Commission for inclusion in the record pertaining to the use.

- C. Discretionary Judgment. The Zoning Administrator may in his or her discretion refer any decision regarding a proposed change to an approved final site plan to the Planning Commission for review and approval whether or not the change may qualify as a minor change under this Section. In making a determination as to whether a change is a minor change, or whether to refer a change to the Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

Section 30.19.06 Time Limits And Expiration Of An Approved Site Plan.

An approved final site plan and the conditions imposed shall remain in effect for a period of one year following the date of approval. Commencement of construction activities and diligent progress toward completion within the one year period shall be required for the approved site plan to remain valid after the one year time period. A site plan that has expired due to lack of diligent action on the part of the applicant, shall be considered null and a new application for site plan approval will be required under the provisions of this Article. Prior to the date of expiration, an extension may be applied for and granted by the Planning Commission.

Section 30.19.07 Performance Guarantee.

Pursuant to the provision of Article 25, the Planning Commission may require as a condition of its approval that the applicant file surety in the form of a performance bond or letter of credit in an amount established by the Commission conditioned upon the prompt and complete compliance with all the provisions of this Ordinance and the requirements upon which the Commission may condition its approval. In establishing the form and amount of the surety, the Planning Commission shall consider the type and scale of the use and its operations, the prevailing cost to complete required improvements, safety measures and/or to rehabilitate the property upon default of the operator, court costs and other reasonable expenses.

Section 30.19.08 Compliance, Violation, Revocation Of Approval.

- A. Construction in compliance with final site plan. Any zoning or building permit issued for construction pursuant to an approved site plan shall be valid only so long as there is compliance with the approved site plan and any other conditions of approval. Any unauthorized deviation from the approved site plan or conditions shall operate to automatically invalidate the zoning compliance permit and shall be a violation of this Ordinance and subject further to Section 30.25.16.
- B. If a violation of any condition of approval contained in the record of approval or an applicable regulation is found to exist subsequent to construction and commencement of the authorized use, the Zoning Administrator shall notify the permit holder/land owner and the Planning Commission that a violation exists. The notice shall describe the violation and further state that the zoning compliance permit may be revoked if the violation is not remedied within 10 days or less (as specified by the Zoning Administrator in the letter of notification). If the violation is not corrected within the specified time, the Zoning Administrator shall suspend the approval and place the matter on the next agenda of the full Planning Commission for consideration and formal action on the revocation. The full procedures outlined for initial site plan approval under this Article shall be required prior to the reinstatement of an approved site plan by the Planning Commission and zoning compliance permit that has been revoked.

Article 20

Special Land Uses

Sec. 30.20.00 Description and Purpose.

Special use permits are required for proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges or possess unique characteristics, or qualities that require comprehensive review and which may be allowed only after the imposition of reasonable conditions. The purpose of this in-depth review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Article and other applicable standards contained or referenced in the zoning ordinance.

Sec. 30.20.01 Applicability.

Uses or activities identified as special land uses under the use provisions of the various zoning districts, unclassified uses as described under Sec. 30.17.04 and all Planned Unit Developments (PUDs) are required to undergo review under the procedures of this Article. Unless otherwise specified in this ordinance all special use permit applications must include a site plan meeting the content requirements of Article 19.

Sec. 30.20.02 Procedures For All Special Uses.

The following procedures shall be required in processing and considering an application for a special use permit.

- A. Applications - The applicant shall submit an application including a review fee as established by the Village Council, a site plan per the requirements of Article 19, Section 30.19.01 and other written evidence and drawings showing that all the non-discretionary standards for the applicable special use are being met.
- B. Notices - Upon receipt of such application, a notice that a request for a special land use has been received shall be published in a newspaper having general circulation within the Village. An additional notice shall be sent by mail or by personal delivery to all owners of property to whom real property is assessed and to all occupants of all structures within 300 feet of the boundary of the property that is the subject of the application and to the petitioner regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

- C. Notice Timing - The noticing requirements described in section B above must be given no less than 15 days before the date the application will be considered.
- D. Notification Items - The notice shall include the following:
1. Describe the nature of the special land use requested.
 2. Indicate the property that is subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the special land use request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
 5. Indicate that a public hearing on the special land use request, either;
 - a. May be requested by any property owner or the occupant of any structure within 300 feet of the boundary of the property being considered for a special use, or
 - b. Will be held, on a specific date, time and location.
- E. Public Hearing – A public hearing shall be held, either upon the initiative of the Planning Commission, or Zoning Administrator, or upon the request of the applicant or the owner of the property, or occupant of the structure within 300 feet of the boundary of the subject property, notice of the hearing shall be given as stated in Sec. 30.20.02 C and D before a discretionary decision is made on the special land use request.
- F. Only one notice is required under this section.

Sec. 30.20.03 Conditions.

With the approval of a special land use, reasonable conditions may be imposed by the Planning Commission. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet any of the following requirements:

- A. 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.
- B. Be related to the valid exercise of police power, and for purposes that are affected by the proposed use or activity.

- C. 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.

The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission or its agent and the landowner/permit holder. If any conditions are changed, deleted or added as mutually agreed upon under the provisions this Article, the Planning Commission shall also maintain a record of such changes.

Sec. 30.20.04 Changes To An Approved Special Land Use.

Any conditions imposed upon an approved special land use, including the approved final site plan, may not be changed except upon the mutual consent of the Planning Commission and the applicant, and as otherwise provided by this Article.

- A. Major changes. Except for changes determined to be minor as provided below, changes to an approved special land use site plan or to any condition imposed on an approved special land use shall be reviewed and approved, approved with conditions, or denied by the Planning Commission pursuant to the procedures provided by this Article for an original request for special land use approval.
- B. Minor changes. Minor changes to an approved special land use site plan may be approved by the Zoning Administrator, acting as the agent of the Planning Commission, without review and approval by the Planning Commission. For purposes of this Section the provisions of Article 19, Sec. 30.19.05 shall be utilized to define "minor changes." If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Planning Commission for inclusion in the record pertaining to the special use.
- C. The Zoning Administrator may in his or her discretion refer any decision regarding a proposed change to an approved special land use site plan to the Planning Commission for review and approval whether or not the change may qualify as a minor change as determined under Sec. 30.19.05 In making a determination as to whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

Sec. 30.20.05 Time Limits and Expiration of Permit.

A Special Use Permit and the conditions imposed shall run with the land, regardless of land ownership. A special use permit will remain in effect unless or until one or more of the following occurs:

- A. An activity or use authorized by the special use permit has not commenced within one year of the date of issuance and the conditions of authorization do not specify a greater period of time before commencement.
- B. The use ceases for a consecutive period of one year and a longer period of inactivity was not specified in the conditions of approval contained in the permit.

- C. The use as authorized by the special use permit is of a temporary or terminal nature and has been terminated in compliance with the conditions of the special use permit.
- D. The special use permit is revoked for reasons of non-compliance or violation.

A special use permit which is expired, terminated or revoked as a result of one of the above circumstances shall be considered null and void and a new special use permit will be required for the activity to recommence.

Sec. 30.20.06 Performance Guarantee.

Pursuant to Article 25 the Planning Commission may require as a condition of its approval that the applicant file surety in the form of a performance bond, or letter of credit in an amount established by the Planning Commission conditioned upon the prompt and complete compliance with all the provisions of this Ordinance and the requirements upon which the Planning Commission may condition its approval. The Planning Commission shall, in establishing the form and amount of the surety, consider the type and scale of the use and its operations, the prevailing cost to complete required improvements, safety measures and/or to rehabilitate the property upon default of the operator, court costs and other reasonable expenses.

Sec. 30.20.07 Compliance, Violation, Revocation Of Permit.

- A. Construction in compliance with final site plan. Any building permit issued for construction pursuant to an approved special land use shall be valid only so long as there is compliance with the approved site plan and any other conditions of approval as set forth by the Planning Commission. Any deviation from the approved site plan or conditions shall operate to automatically invalidate the building permit and shall be a violation of this Ordinance and further subsequent to Section 30.25.16.
- B. If a violation of any condition of approval or applicable regulation is found to exist subsequent to construction and commencement of the authorized use, the Zoning Administrator shall notify the permit holder/land owner and the Planning Commission that a violation exists. The notice shall describe the violation and further state that the special use permit may be revoked if the violation is not remedied within 10 days. If the violation is not corrected within that time, the Zoning Administrator shall suspend the permit and place the matter on the next agenda of the Planning Commission for consideration and formal action on the revocation. The full procedures outlined for initial application under this Article shall be required prior to the reinstatement of a special use permit that has been revoked by the Planning Commission.

Sec. 30.20.08 Appeals and Variances.

Prior to a decision by the Planning Commission for a special use permit, an application for a variance from any quantity or dimensional requirement contained in the Zoning ordinance (a standard other than the General Standards of this Article) may be made to, and decided upon by the Zoning Board of Appeals. If the Zoning Board of Appeals has granted a variance applicable to the special use, the Planning Commission may in its discretion accept the variance up to the maximum extent granted by the Zoning Board of

Appeals, or on the basis of protecting the health safety and welfare require a lesser deviation from the standard or require adherence to the original standard as specified in the Zoning Ordinance. In adhering to the ordinance standard or requiring a lesser deviation than granted by the Zoning Board of Appeals, the Planning Commission shall state in the record why the lesser deviation is deemed necessary to satisfy the General Standards of this Article.

The Planning Commission shall have final authority with respect to approval, approval with conditions, denial or revocation of a special use permit. In addition, once the Planning Commission has approved a special use, the Zoning Board of Appeals may not accept an application to waive or modify any imposed condition pertaining to the approved special use or any applicable quantity or dimensional ordinance requirement.

Sec. 30.20.09 Re-application.

Except on the grounds of significantly changed conditions, as determined by the Zoning Administrator, an application for a special use permit which has been denied by the Planning Commission shall not be reconsidered for a period of one (1) year from the date of the denial.

Sec. 30.20.10 General Standards.

In formulating a decision on any special use, the Planning Commission shall make findings and determinations with respect to each of the following general standards:

- A. Whether or not the proposed land use will be compatible and harmonious, with surrounding uses; and/or the orderly development of the surrounding neighborhood and/or vicinity as determined by the application of generally accepted planning standards and/or principles.
- B. Whether or not the proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is generally experienced for the vicinity involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic.
- C. Whether or not the proposed special land use will unreasonably impact upon existing uses on surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and/or unreasonably impact upon persons perceiving the use or operation in terms of aesthetics. Where identified impacts can be remedied by way of design, construction and/or use, the proposed use must be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
- D. Whether or not the proposed use will be such that the proposed location and height of buildings, structures facilities or activities, and location, nature and height of walls, fences and landscaping will interfere with or discourage the appropriate development and use of adjacent land and building.
- E. Whether or not the proposed use is in general or specific agreement with the Village of Saranac Master Plan's Future Land Use map designations for land uses

in the area where the use is to be built and/or any general or specific Master Plan policies regarding the type of special land use proposed.

- F. Whether or not the proposed special land use will unreasonably burden the capacity of public services and/or facilities.
- G. Whether or not the proposed use is in all other ways designed, located, and planned to be operated so that the public health, safety and welfare will be protected. All special use permits are in compliance with and reliant upon terms of application.

Sec. 30.20.11 Developmental Impact Assessments.

Prior to formulating its findings and prior to making a decision regarding compliance with the above general standards, the Planning Commission may require the applicant to prepare and submit a developmental impact assessment, describing in detail the effect and impact adverse or otherwise, that the proposed special land use will have, or may have, upon or with respect to the following matters

- A. The property included in the project and the surrounding and neighboring lands, including topographical contours and soil conditions.
- B. Environmental factors such as: streams, rivers, wetlands, and the quality of surface and ground waters.
- C. Traffic congestion.
- D. Local school systems.
- E. Population in the surrounding area and the Township.
- F. Additional costs to governmental units and school districts.
- G. Aesthetic qualities and blighting influences, if any, upon surrounding properties.
- H. Noise, vibration, dust and dirt, litter, gas, smoke, odor, light, and glare.
- I. Police and fire protection.
- J. Drainage.
- K. Surrounding property values.
- L. Sanitation, including water supply and sewage disposal.
- M. General appearance and character of the area.
- N. Historical structures and places.
- O. Archaeological sites and artifacts.
- P. Wildlife and trees and forests.
- Q. Such other matters as the Planning Commission may request to be included.

The developmental impact assessment shall, when required by the Planning Commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed land use within their respective responsibilities and jurisdictions: County Health Department, County Road Commission, County Drain Commissioner, County Planning Commission, Department of Natural Resources,

Department of Environmental Quality, Intermediate School District and local Board of Education, County Sheriff's Department, local Fire Department, and other agencies as determined appropriate by the Planning Commission.

Sec. 30.20.12 Special Use Design Standards.

In meeting the general standards of Sec. 30.20.11 and unless otherwise specified, all special uses will be required to adhere to the minimum height, yard, building, area, landscaping, sign and other general requirements of the zoning district in which the use is proposed and to other regulations generally applicable to uses permitted by right in the district. Additionally, certain special uses as enumerated below will be required to adhere the specific design standards and requirements as outlined in this Section.

- A. Gasoline Service Stations (Filling Stations), and Automobile Repair Shops.
1. All permanent storage of material, merchandise and equipment other than liquid fuel shall be within the building.
 2. Accessory buildings shall not be permitted.
 3. All lubrication, repair and servicing equipment shall be within the building.
 4. All repair work shall be done within the building.
 5. The outdoor storage of vehicles for periods in excess of twenty-four (24) hours may occur only in defined and screened areas. The number of such vehicles stored shall be limited to the number of service bays at the establishment.
 6. Unless approved as a special land use under the standards of Sec. 30.20.12, Subsection P. the premises shall not be used for the sale of used or new vehicles.
 7. Relation to Certain Land Uses. A service station shall not be erected within twenty-five (25) feet of any residential area; or fire station.
 8. Curb Cuts (driveway opening). Curb cuts shall be between twenty-four (24) and thirty (30) feet wide at the street right-of-way line.
 9. Lighting and Screening (fences). All lights and screening shall comply with the requirement of Article 17, Section 30.17.18.
 10. Minimum Setback. The building shall be set back a minimum of forty (40) feet from the street right-of-way, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residential district or use.
 11. Driveway Location. Driveways shall be a minimum of twenty (20) feet from street intersections; said distance to be measured from the point of intersection of intersecting street right-of-ways. No driveway shall be located nearer than ten (10) feet to any abutting properties.
 12. Pump Islands. Pump islands shall be located a minimum of twenty-five (25) feet from any public right-of-way, twenty-five (25) feet from any residential use or district and five (5) feet from any side or rear lot line.

13. Driveways, service areas, and parking areas shall be provided with pavement having an asphalt or cement binder so as to provide a permanent, durable, and dustless surface and shall be so graded and drained as to dispose of all surface water accumulated within the area.
 14. Signs. All signs shall conform to the requirements of Article 18, Sec. 30.18.20 et seq., as applicable.
- B. Drive-in Restaurant, Drive-in Bank and Similar Uses.
1. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting street right-of-way lines to the closest edge of said driveway.
 2. Screening as required by the Planning Commission shall be installed where lot lines abut any residential district
 3. A minimum of three (3) off street queuing spaces shall be provided for each service window or ordering station.
- C. Bowling Alley, Indoor Skating and Similar Uses.
1. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting street right-of-way lines to the closest edge of said driveway.
 2. The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.
- D. Car Wash Establishments.
1. The Minimum lot size shall be twenty thousand (20,000) square feet.
 2. All washing activities must be carried on within a building.
 3. Vacuuming activities may be carried out only in the rear or side yard and at least fifty (50) feet distant from any adjoining residential use.
 4. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
 5. A minimum of three (3) off street queuing spaces shall be provided for each washing bay.
- E. Multiple-Family Housing Projects Containing 5 Or More Dwelling Units Per Structure Or Five Or More Attached Units.
1. The minimum lot size shall be three (3) acres.
 2. Each dwelling unit shall contain a minimum square footage as follows:
 - a. Efficiency, 375 square feet
 - b. One bedroom, 600 square feet
 - c. Two or more bedrooms, 550 square feet plus 100 square feet for each bedroom.

3. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.

F. Churches and Other Places of Religious Assembly

1. The application for special use approval shall include a description, floor plan and site plan of both immediate and long-range facilities planned for the site.
2. Churches and other places of religious assembly with an initial and ultimate seating capacity of fewer than 250 persons, (seating capacity shall be determined by the seating capacity of the sanctuary and auxiliary assembly halls combined), shall be located on a lot or parcel of land having a minimum area of 2 acres and a minimum lot width of 200 feet as measured at the front property line. There shall be a minimum front, side, and rear yard building setback of 50 feet except that churches having frontage on arterial streets shall have a front-yard building setback of at least 100 feet.
2. Churches and other places of religious assembly with an initial or planned seating capacity of more than 250 persons, shall be located on a lot or parcel of land having a minimum lot size of 3 acres and a minimum lot width of 300 feet.
3. The minimum requirements for parking, lighting, landscaping, and greenbelts shall be the applicable provisions of this ordinance. The requirements are subject to modification by the Planning Commission as deemed necessary to minimize the impacts on adjacent properties or to otherwise improve compatibility of the special use.
4. Signs shall be as regulated by ordinance. Religious symbols or icons that exceed the area limits for wall signs may be permitted by the Planning Commission if it is determined that such symbols or icons are architectural elements of the building's design.

G. Automobile Salvage, Storage Or Disposal, Outdoor Storage Of Mechanical Equipment Or Construction Equipment, Junk Yards, And Similar Uses.

For this use, the following more restrictive provisions shall take precedence above all other provisions which may relate to setbacks, screening etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

1. The site shall be a minimum of five (5) acres in size.
2. There shall be a required yard setback of at least one hundred (100) feet from any public street or any lot line. The front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the

installation. Nothing shall be piled, stored or accumulated in any required yard area.

3. Wherever a side or rear lot line of such use abuts a residential use or a residential zoning district, the required yard shall be doubled and shall contain plant materials, grass, and structural screens to effectively minimize the appearance of the installation.
4. A solid fence or wall at least eight (8) feet in height shall be provided along the setback lines of the entire site in order to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. Trees and shrubs as required in the yard areas in front of the fence shall be located to maximize their effectiveness in obstructing the view of the fence from nearby residences.
5. All activities shall be confined to within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
6. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

H. Senior Citizen Housing, Homes For The Elderly Or Retired, Convalescent Homes.

The following shall be required in connection with any approval granted for convalescent homes or homes for the elderly or retired:

1. No building or buildings shall be erected, converted or used for such purposes except on a lot or parcel of ground containing a minimum of 10 acres of land, and
2. There shall be a minimum lot area for each dwelling unit of 2,500 square feet, and
3. There shall be provided one off-street parking space for each dwelling unit
4. No part of the building or buildings so used is closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the set back will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; will not result in visual blight, distraction, or clutter; and will not materially impair the intent and purpose of this Ordinance or the public's interest. In modifying such set back requirements, the Planning Commission may attach conditions regarding the location, character, landscaping, or treatment of the buildings or premises or other such matters as are reasonable necessary to the furtherance of the intent and spirit of this Ordinance and the public's interest.

5. Each dwelling unit shall contain a minimum of 375 square feet of floor area, exclusive of basement and attic space.
- I. Open Air Or Outdoor Uses, Temporary Or Permanent, Such As Patio Dining Facilities, Building Supply Outlets, Open Air Car Washes Or Any Other Use, Process, Service Or Business Identified In A Zoning District As A Permitted Use Or Special Use Not Otherwise Controlled By Specific Standards In This Section, Which In Whole Or In Part, Is To Be Conducted Outside Of An Enclosed Building.

Unless specifically exempted herein, any business, service, process or storage which is to be conducted outdoors or any portion of such business or use to be conducted or supported by activities or facilities located outside of an enclosed building is required to be approved as a special use. Excluded from regulation under these specific provisions, but which may or may not be regulated under other provisions of this ordinance are; authorized agricultural uses, educational and recreational facilities, automobile parking for customers or employees, customary off-street loading spaces, essential service facilities, heating and air conditioning equipment, automatic teller (ATM) machines and drive-through facilities, gasoline and fuel dispensing facilities and signs.

1. Unless specifically waived by the Planning Commission open-air activity, display, or storage shall be accessory to a permanent principal use or business conducted within an enclosed building also located on the site or shall be under the ownership or control of the lot owner or a principal use tenant of the site.
2. The hours of operation, frequency and duration of the activity shall be considered in relation to the activity's location and its traffic, visual, noise, odor, glare and vibration impacts on adjacent uses and streets. The Planning Commission may limit the frequency, hours of operation or its duration as a means to control or mitigate these impacts.
3. The Planning Commission may require complete or partial screening of any goods or materials or products to be stored or displayed outside. In making the determination regarding required screening of outdoor storage, the Planning Commission shall consider the impact of such storage on adjacent uses, and also the potential of such storage to become a blighting influence.
4. Surface areas on which the outdoor storage or activity is to take place shall be reviewed for adequacy of drainage and dust control measures. The Planning Commission may require that areas be paved depending on the level of activity and or type of material or product involved.
5. Out-door storage or other activity shall not be permitted within any required landscape buffer areas, required parking areas, or in any location that results in conflict with vehicle circulation or minimum parking requirements.
6. Where for security reasons, or to keep trash, paper, and other debris from blowing off the premises, fencing of an appropriate height and type may

be allowed or may be required at the perimeter of the outdoor storage, display or activity area.

7. All open-air businesses or activities shall comply with all applicable health department regulations regarding sanitation and general health conditions.
8. At a minimum, packaged or containerized product display areas for product and material sold on the premises shall meet the front yard setback requirements applicable to principal buildings in the zoning district within which the use is to occur. All bulk or non-containerized material or products sold on site along with any such material product, equipment or supplies stored or parked for eventual use off-site shall be located behind the front line of the principal building and where possible completely behind buildings or structures located on the site.
9. The minimum side and rear lot line setbacks for an outdoor use or activity within or adjacent to a residential district shall be 50 feet. In all other zoning districts the side and rear lot line setbacks shall be a minimum of 15 feet. Additional setback may be required by the Planning Commission after consideration of the specific type of use or activity proposed, adjacent uses, topography and vegetation drainage and other concerns, and the effectiveness of proposed buffering and screening techniques.
10. All loading activity and off-street parking areas shall be provided on the same property.
11. The storage of bulk soil, fertilizer, or similar loosely contained materials shall be contained by bunkers, walls, berms or other impoundments specifically designed to prevent adverse effect upon the environment and adjacent properties. A Pollution Incidence Prevention plan as outlined by the Michigan Department of Environmental Quality may be required and shall serve as the basis for the design of storage areas whether or not direct authorization of the facility falls under the auspices of that agency.
12. The Planning Commission may require the applicant to furnish a performance guarantee in an amount determined by the Commission to be reasonable and necessary to ensure strict compliance with any regulation contained herein or condition of approval.

J. Hospitals/Medical Institutions.

The following shall be required in connection with any approval granted for a general or specialized hospital to provide care for human beings:

1. Such hospital shall be owned and operated by a non-profit corporation;
2. No building or buildings shall be erected or used for such purposes except on a parcel of ground containing a minimum of 10 acres;
3. No part of the hospital structure or of any building accessory to the hospital shall be closer than 100 feet to any adjacent lot. Parking lots and drives must be located at least 75 feet from residential uses and zoning districts.

K. Group Day-Care Homes (child and adult).

The following shall be required in connection with any approval granted for a group day-care home:

1. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the group day-care is located.
2. A group day-care home shall not be located closer than 1,500 feet (measured along a road, street or other public thoroughfare) to any of the following: another child or adult group day-care home (i.e., another facility of the same type); an adult foster care small group home or large group home, licensed by the State of Michigan; a facility offering substance abuse treatment and rehabilitation service to 7 or more people, licensed by the State of Michigan; or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the State Department of Corrections.
3. Parking shall conform to the parking regulations applicable in the district in which the group day-care home is located.
4. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the group day-care home is located.
5. A child group day-care home shall provide and maintain on the lot a minimum of one square foot of outdoor play area per one square foot of gross building area with not less than 5,000 square feet of outdoor play area per facility. For purposes of this section, outdoor play area means the area located on the lot behind the established front yard set-back of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor play area shall be free from sharp gravel, glass or cinder, and shall be well drained. The outdoor play area shall be completely enclosed by a chain link or solid fence of at least 4 feet in height, and shall be screened from any abutting residential use by vegetation having a height when planted of at least 5 feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum area is not necessary to the proper and safe functioning of the operation. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the types of recreation activities provided in and outdoors.
6. Operating hours of the group day-care home shall not exceed 16 hours during any 24-hour period, and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
7. Dormitory facilities shall not be permitted.

8. Signs shall conform to the sign regulations applicable in the district in which the group day-care home is located.
9. The property shall be maintained consistent with the visible characteristics of the neighborhood.
10. Child or adult drop-off and pick-up areas, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the children attending the group day-care home.
11. The group day-care home shall be registered and licensed as required for such group day-care homes by the State of Michigan.

L. Nurseries /Child and Adult Day Care Centers.

Any approval granted for a child or adult day care center shall be subject to the following standards and requirements:

1. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the child care center is located.
2. Parking shall conform to the parking regulations applicable to the use as stipulated in Schedule 18A. of Article 18.
3. If the day care center is located on a major street, an off-street drop-off/pick-up area must be provided, including an on-site vehicle turn-around or separate entrance and exit points.
4. The day care center shall be registered and licensed as required by the State of Michigan.
5. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the group day-care home is located.
6. A child day care center shall provide and maintain on the lot a minimum of one square foot of outdoor play area per one square foot of gross building area with not less than 5,000 square feet of outdoor play area per facility. For purposes of this section, outdoor play area means the area located on the lot behind the established front yard set-back of the facility which is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool. The outdoor play area shall be free from sharp gravel, glass or cinder, and shall be well drained. The outdoor play area shall be completely enclosed by a chain link or solid fence of at least 4 feet in height, and shall be screened from any abutting residential use by vegetation having a height when planted of at least 5 feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum area is not necessary to the proper and safe functioning of the operation. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the types of recreation activities provided in and outdoors.

7. Operating hours of the day care center shall not exceed 16 hours during any 24-hour period, and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
8. Dormitory facilities shall not be permitted.
9. Signs shall conform to the sign regulations applicable in the district in which the center is located.
10. The property shall be maintained consistent with the visible characteristics of the neighborhood.
11. Child and adult drop-off and pick-up areas, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the individuals attending the center.

M. Adult Foster –Care Small Group Homes.

For the purpose of this ordinance an adult foster –care small group home is a facility licensed under Act 218 of Public Acts of 1979 that provides care for 12 or fewer persons and which is not a home for the aged or a nursing home. Also licensed under Act 218 of Public Acts of 1979 but excluded from these regulations are adult foster-care family group homes. Such facilities are operated out of private residences by families residing on the premises and which care for 6 or fewer persons. The following shall be required in connection with any approval granted for an adult foster-care small group home that is not classified as an adult foster-care family group home:

1. The minimum lot size shall conform to the minimum lot size regulations applicable in the district in which the small group home is located.
2. An adult foster-care small group home shall not be located closer than 1,500 feet (measured along a road, street or other public thoroughfare) to any of the following: another licensed adult foster –care small group home (i.e., another facility of the same type) an adult foster care large group home, licensed by the State of Michigan; a group day-care home; an adult day-care home; a facility offering substance abuse treatment and rehabilitation service to 7 or more people, licensed by the State of Michigan; or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the State Department of Corrections.
3. Parking shall conform to the parking regulations applicable to the use as stipulated in Schedule 18A of Article 18.
4. Setbacks and required yard areas shall conform to the setback and yard regulations applicable in the district in which the group day-care home is located.
5. Dormitory facilities that are separate from the principal dwelling structure shall not be permitted.

6. Signs shall conform to the sign regulations applicable in the district in which the home is located.
7. The property shall be maintained consistent with the visible characteristics of the neighborhood.
8. Pick-up areas, and other facilities, design elements and operational requirements shall be provided or complied with as determined necessary by the Planning Commission for the safety of the residents of the facility.
9. The facility shall be registered and licensed as required under the Act No. 218 of the Public Acts of 1979, as amended.

N. Bed And Breakfast Facilities.

1. The minimum lot size shall be ten thousand (10,000) square feet with a minimum frontage of seventy (70) feet on a public street.
2. An existing residence shall not be converted to more rental rooms than the number of bedrooms contained in the structure at the time of enactment of this ordinance provision.
3. The minimum size of a rental room shall be one hundred twenty-five (125) square feet.
4. The minimum size for manager/owner living quarters shall be four hundred fifty (450) square feet.
5. A common room or area for guest relaxation is required.
6. For those facilities that are not owner-occupied, a manager must reside on the premises and have an equity interest in the facility.
7. One (1) off-street parking space shall be provided for each rental room in addition to the two (2) off-street spaces required for single-family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.
8. Bathrooms must be furnished for guestrooms at a ratio of not less than one (1) bathroom per two (2) rental rooms.
9. The premises (including corner lots) may be permitted one (1) advertising sign not exceeding sixteen (16) square feet in area.
10. Approval by the building inspector is required prior to occupancy of the facility. Thereafter, the building inspector shall conduct an annual compliance inspection.
11. Approval of the Ionia County Health department is required if other than a continental breakfast is served.
12. The maximum stay at a bed and breakfast facility shall be thirty (30) continuous days.
13. A site plan shall be submitted in accordance with Section 30.19.00 et seq.

14. The use of the facility shall not, in the judgment of the Planning Commission be detrimental to adjacent land uses and the immediate neighborhood.
- O. Gravel Mining, Gravel Processing, Earth Removal, Quarrying And Related Mineral Extraction Businesses As May Be Permitted As A Special Use In The IND - Industrial District.
 1. Location.
 - a. All such operations shall be located on a road which does not carry traffic through an area developed primarily for residential purposes. Where necessary, the applicant may be required to construct or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not all-weather roads.
 - b. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral and sub-lateral support for adjacent public and private property. No such excavation operations shall be permitted closer than fifty (50) feet to interior boundary lines of the property, or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties; however, if the adjoining property is also used for mining and excavation operation then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to fifty (50) feet if reclamation of the land is promptly effected to increase the setback to at least one hundred fifty (150) feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support as set forth is at all times maintained.
 - c. No such excavation operation shall be permitted within fifty (50) feet of adjoining public rights-of-way except from the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
 - d. The permanent processing plant and its accessory structure shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.

- e. No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the State water resources commission or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.
2. Sight barriers. Sight barriers shall be provided along all boundaries of the site, which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one (1) or more of the following:
- a. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway of six (6) feet above the general level of terrain along interior property lines, as the case may be. The berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees, or shrubs.
 - b. Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective sight barriers within six (6) feet in height.
 - c. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than six (6) feet and maintained in good repair.
3. Nuisance abatement.
- a. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in a manner that eliminates, as far as practicable, excessive noise and vibrations that are not necessary in the operation of such equipment.
 - b. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
 - c. Hours. The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. and no operations shall be allowed on Sundays.
 - d. Fencing. All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter

thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

4. Reclamation of mined areas.

- a. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve-month consecutive period shall constitute, for this purpose, termination of mining activity.
- b. All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-hazardous, non-flammable and non-combustible solids to ensure that the excavated area will not collect stagnant water and not permit the same to remain therein, or that the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
- c. The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
- d. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, topsoil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
- e. To minimize erosion and to establish a permanent vegetative cover, vegetation shall be restored by the seeding of appropriate grasses and the planting of trees and shrubs on the land surface.
- f. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.

g. A bank letter of credit or cash shall be furnished the Village Clerk insuring the proper rehabilitation and reclamation of the mined and excavated operations. The amount of the guarantee shall be not less than three thousand dollars (\$3,000.00) per acre proposed to be mined or excavated in the following twelve-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this chapter and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereon and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the building inspector and the planning commission. In no event shall such financial guarantee be less than three thousand dollars (\$3,000.00) in amount.

5. Submission of operational and reclamation plans. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the planning commission disclosing compliance with all of the provisions of this chapter or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

- a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets and whether or not the same are all-weather roads, additional road, if any, to be constructed and the location and nature of abutting improvements on adjoining property.
- b. The number of acres and the location of the same proposed to be operated upon within the following twelve-month period after commencement of operations.
- c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- e. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. The soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the village engineer. The written consent of the owners of adjoining premises and of the planning commission

shall be required if mining operations shall be closer than specified in this chapter to the boundaries of the site.

- f. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

- 6. Hearing and decision. The Planning Commission shall hold a public hearing upon such application preceded by the notices required for special uses. Following a public hearing as may be required by this Article, the Planning Commission shall approve or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in this chapter and shall be based, in addition, on a consideration of the following:

- a. The most advantageous use of the land, resources and property.
- b. The character of the area in question and its peculiar suitability, if any, for particular uses.
- c. Conservation of property, as well as natural resources, and the general and appropriate trend and character of development in the subject area.
- d. The protection and preservation of the general health, safety and welfare of the Village.
- e. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
- f. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.
- g. In making its decision, the Planning Commission may require such additional conditions and safeguards as it deems necessary for the protection of the health safety and general welfare of the neighborhood and of the adjoining residents and property owners. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Village Council.

- 7. Liability insurance. All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists, in the amount of not less than one million dollars (\$1,000,000.00) for each person or property injured or damaged and not less than three million dollars (\$3,000,000.00) for injury or damage to more than one (1) person or one (1) person's property arising out of one

(1) occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Village Clerk.

8. Variances. The zoning board of appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be affected.

P. New and Used Car, Boat, Farm Equipment and RV Sales and Rentals.

1. The display of new, used or rental cars, boats or RVs shall not be carried out within any required buffer yard green strip area.
2. All outdoor vehicle display areas shall be of an improved concrete or bituminous paved surface.
3. Vehicle display or storage shall not be carried out within areas required for visitor, employee, or service parking.
4. Sufficient on-site loading area shall be provided so that street traffic is not disrupted by the loading and unloading of vehicle transports.
5. Signs shall comply with the provisions of Article 18, Sec. 30.18.20. et seq. Balloons, strings of light bulbs, pennants, streamers and similar displays are prohibited as outlined in Sec. 30.18.22 sub-section A.
6. Repair and service operations shall be required to meet the standards of approval as outlined in Sec. 30.20.12 sub-section A.
7. RV sanitary service centers are prohibited.

Q. Commercial Kennels As May Be Permitted In the CBD And Highway Commercial Districts.

1. All kennels shall be operated in accordance with applicable county and state standards.
2. All activities, including animals and kennel pens, shall be conducted within a totally enclosed building.

R. Special Controlled Uses – Sexually Oriented Businesses.

Because of their very nature, some uses have serious objectionable operational characteristics and a deleterious effect, particularly when several of them are concentrated in near proximity to a residential area or community and neighborhood shopping areas. It is also recognized that such uses have legitimate rights under the United States Constitution as well as location needs similar to many other retail establishments. Regulation of these uses within the CBD Central Business district is therefore necessary to ensure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's neighborhood business areas. At the same time, these controls are intended to provide commercially viable locations within the Village where these uses are considered more compatible and less deleterious. The

controls do not legitimize activities that are otherwise illegal under this Ordinance or various other local, state, and federal statutes.

Based on evidence of the adverse secondary effects of adult uses, and on findings incorporated in the cases of *Paps A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220 (6th Circuit 1995); *Broadway Books v. Roberts*, 642 F. supp. 486 (ED Tenn. 1986); *Bright Lights, Inc v. City of Newport*, 830 F.Supp. 378 (ED Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir 1998); *Deja vu v. Metro Government*, 1999 U.S. App LEXIS 535 (6th Cir 1999); *Bamon Corp v. City of Dayton*, 7923 F.2d 470 (6th Cir 1991); *Threesome Entertainment v. Strittmather*, 4 F.supp.2d 710 (N.D. Ohio 1998); *JL Spoons, Inc v. City of Brunswick*, 49 F.supp.2d 1032 (ND Ohio 1999); *Triplett Grille, Inc v. City of Akron*, 40 F.3d 129 (6th Cir 1994); *Nightclubs, Inc v. City of Paducah*, 202 F.3d 884 (6th Cir 2000); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Déjà vu of Nashville, Inc, et al v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App Lexis 26007 (6th Cir. Dec. 6, 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Connection Distrib. Co. v. Reno*. 154 F.3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v Reno*, 33 F.3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F.3d 1241 (10th Cir. 2000); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*. 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*. 2002 U.S. Dist. LEXIS 1896 (D.Md., Feb. 6, 2002); *Currence v. Cincinnati*, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. E 3750; and reports of secondary effect occurring in and around sexually oriented businesses, including but not limited to, Phoenix, Arizona-1979; Minneapolis, Minnesota-1980; Houston, Texas-1997; Amarillo, Texas; Garden Grove, California-1991; Los Angeles, California-1977; Whittier, California-1978; Austin, Texas-1986; Seattle, Washington-1989; Oklahoma City, Oklahoma-1986; Cleveland, Ohio- and Dallas, Texas-1997; St. Croix County, Wisconsin-1993; Bellevue, Washington-1998; Newport New, Virginia-1996; New York Times Square study-1994; Phoenix, Arizona-1995-1998; and also on findings from the paper entitled “Strip clubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Jolsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota and from “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee of Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General’s Working Group On the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Village Council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are

reasonably believed to be relevant to the problems that the Village of Saranac is seeking to avoid prevent in the future.

1. Uses subject to these controls are as follows:
 - a. Adult Motion Picture Theaters
 - b. Adult Book, Adult Video and Adult Novelty Stores
 - c. Adult Cabarets
 - d. Nude or Semi-Nude Model Studios
 - e. Massage Parlors
 - f. Host or Hostess Establishment
 - g. Sauna, Hot Tub, or Other Similar Health or Body Improvement or Enjoyment Enterprise
 - h. Open Dance Hall
 - i. Adult Motel
 - j. Escort Agency
 - k. Sexual Encounter Center
 - l. Any commercial establishment that regularly features the sale, rental or exhibition for any form of consideration, of books, films, videos, DVD's, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas
2. Definitions As used in this section, the following terms shall have the indicated meanings:
 - a. Adult Motion Picture Theater. Any establishment used for presenting motion pictures, videos or live performances distinguished or characterized by an emphasis on matter or actions depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.
 - b. Adult Book, Adult Video Store, or Adult Novelty Store. Any commercial establishment or part thereof which has a significant or substantial portion of its inventory or derives significant or substantial portion of its revenue, or maintains a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one or more of the following,
 - i. Books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities and /or specified anatomical areas as defined

herein, or an establishment with a segment or section devoted to the sale or display of such material.

- ii. Instruments, devices or, paraphernalia designed or for use or marketed primarily for sexual stimulation or arousal of the human genital organs or for sadomasochistic use or abuse of themselves or others.

For the purposes of this section "significant or substantial portion or section" means thirty percent or more of the term modified by such phrase.

- c. Specified Sexual Activities. Specified sexual activities are defined as:
 - i. Human genitals in a state of sexual stimulation or arousal;
 - ii. Acts of human masturbation, sexual intercourse or sodomy;
 - iii. Fondling or other erotic touching of genitals, pubic region, buttock or female breast.
- d. Specified Anatomical Areas. Specified anatomical areas are defined as less than completely and opaquely covered:
 - i. Human genitals, pubic region, and
 - ii. Female breast below a point immediately above the top of the areola; and
 - iii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- e. Adult Cabaret. A cafe, restaurant, night club, bar, juice bar, restaurant bottle club or similar commercial establishment, whether or not alcoholic beverages are served, which features live performances which are characterized by exposure of "specified anatomical areas" or "specified sexual activities", or films, motion pictures, video cassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified anatomical areas" or "specified sexual activities".
- f. Regularly Features or Regularly Shown. A consistent and substantial course of conduct that the films or performances exhibited on the premises constitute a substantial or significant portion of the films or performances consistently offered as a part of the ongoing business of the adult oriented business.
- g. Massage. A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- h. Massage parlor. An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking,

kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. This definition shall not be construed to include a hospital, nursing home, medical clinic, office of a physician, surgeon, osteopath, or a sports medicine clinic duly licensed by the State or a physical massage therapist certified by a recognized national professional organization. This definition shall also not be construed to include a barber shop or beauty salon in which massages are administered to the scalp, the face, the neck or the shoulder. This definition shall also not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreation and athletic facilities for the welfare of the residents of the area.

- i. Nude or Semi-Nude Model Studios. Any building, structure, premises or part thereof which offers as a principal or secondary activity the providing of models to display "specified anatomical areas" as defined herein for patrons, artists, photographers or other persons for a fee or charge.
- j. Open Dance Hall. An establishment where open public dancing by patrons is available with partners furnished by the establishment.
- k. Host or Hostess Establishment. Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- l. Sauna, Hot Tub or Other Similar Health or Body Improvement or Enjoyment Enterprises. Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and/or female customers with supervision or participation by employees or independent contractors of the business. This definition shall not be construed to include a hospital, nursing home, medical clinic, office of a physician, surgeon, osteopath, or sports medicine clinic licensed by the State or a physical massage therapist certified by a recognized national professional organization. This definition shall also not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreation and athletic facilities for the welfare of the residents of the area.
- m. Adult Motel. A hotel, motel or similar commercial establishment that:
 - i. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that

- are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
- ii. offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
 - iii. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
- n. Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
 - o. 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.
 - p. Nudity or State of Nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.
 - q. Semi-Nude. A state of dress in which clothing covers not more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state.
 - r. Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - i. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - ii. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
3. Standards. Prior to approval of a special use permit for a special controlled use the Planning Commission must find that all of the following conditions exist.
- a. The building or structure housing the use is located a minimum of 200 feet from the boundary of all LDR, MDR-1, MDR-R and HDR and MHP Zoning Districts.

- b. That the property is located a minimum of 250 feet from the property line of any sensitive use; a sensitive use being a public, private or religious primary or secondary school, public park, library or museum, any public or licensed private day care or nursery school or site of religious assembly or worship. Distances shall be determined by measurements made at right angles to and along the centerlines of the public streets on which the proposed use and the sensitive use has frontage.
- c. The use is not located within 250 feet of any other adult or special controlled use except that such restriction may be waived, if the following findings are made by the Planning Commission.
 - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
 - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - ii. That the establishment of such use, or an additional use regulated under these provisions in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
- 4. Conditions and limitations. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment's location, construction, maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will be cause to commence procedures for the termination or revocation of any permit granted.

Article 21

Open Space Preservation Projects

Sec. 30.21.00 Purpose And Applicability.

Act No. 179 of the Public Acts of Michigan of 2001 (“Act 179”) provides that zoned Villages permit “open space preservation” developments within certain residential zoning districts.

Under these regulations, a landowner has the option to retain at least 20% of the property as open space and placing dwelling lots on the remaining portion. The number of dwelling lots cannot be more than the number which would be permitted on the land without the open space preservation regulations.

The purpose of this Article is to adopt open space preservation provisions consistent with the requirements of Act 179. Unless otherwise amended, this Article shall only apply to single family residential open space preservation projects in the LDR Low Density Residential Zoning District where no open space option has been previously exercised.

Sec. 30.21.01 Review Procedure: Review by Planning Commission.

An open space preservation development shall be reviewed by the Planning Commission according to the requirements and general standards for site plan review contained in Article 19 of this Ordinance except as otherwise provided in this article.

Sec. 30.21.02 Items Submitted For Review.

- A. Application. The applicant shall submit an application for an open space preservation project as required by the Village. The application may be required to include a review fee as established by resolution of the Village Council for such purposes and/or an escrow amount to be deposited in an account created for the project for the purposes of reimbursement of review expenses to the Village.
- B. Open Space Preservation Plan. The applicant shall submit 9 sets of the Open Space Preservation Plan drawn at a minimum scale of 1"=200', which shall include information required by Article 19 of this Ordinance and the following information:
 - 1. The areas devoted to preserved open space.
 - 2. The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission.
 - 3. The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.

4. The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
 5. If the open space project will not be served by public sanitary sewer, the applicant shall submit documentation from the Ionia County Health Department that the soils are suitable for on site septic systems.
- C. Additional review procedures. If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Village's Subdivision Control Ordinance or the Site Condominium Subdivision requirements of this Ordinance, as applicable.
- D. Existing Zoning Plan. In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan. This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan may be conceptual in nature but shall include at least the following information:
1. Date, north arrow and scale, which shall not be more than 1 inch = 200 feet.
 2. Location of streets and utility right-of-way adjacent to and within the site.
 3. Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
 4. Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
 5. If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit documentation from the Ionia County Health Department that the soils on each proposed lot are suitable for on site disposal systems.
 6. The Existing Zoning Plan shall illustrate all un-developable land, which shall include slopes of 20% or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads. No more than 50% of the area of designated wetlands, streams, flood plains, slopes in excess of 20%, existing ponds or lakes or other bodies of water may be included in calculating the number of developable lots in an existing zoning plan.

Sec. 30.21.03 Determination Of Number Of Lots.

The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this Section were not exercised. The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on

the land under the standards required for preparing the Existing Zoning Plan in this Article.

Sec. 30.21.04 Open Space Requirements.

- A. A minimum of twenty percent (20%) of the land proposed for development under the provisions of this article shall remain in a perpetually undeveloped state (i.e., “open space”) by means of restrictions and other legal instruments that runs with the land.
 - 1. Common Ownership of Preserved Areas: Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Village Attorney to assure the following:
 - a. That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
 - b. That a permanent organization for maintenance and management of such area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
 - c. That the restrictions would be sufficient to assure the permanent preservation of the open space.
 - d. That the restrictions could be enforced by all property owners and by the Village.
 - 2. Preserved Areas Not Owned in Common: Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Village Attorney to assure the following:
 - a. That the proposed manner of holding title to the preserved open land is acceptable to the Village.
 - b. That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
 - c. That the restrictions could be enforced by all property owners and by the Village.
- B. Areas Not Counted as Open Space.
 - 1. The area within all public or private road rights-of-way.
 - 2. Golf courses.
 - 3. Any easement for overhead utility lines.
 - 4. The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
 - 5. Off street parking areas.
 - 6. Existing storm water detention and retention ponds and those created to serve the project when included within lot areas.
 - 7. Existing or proposed community drain fields.
 - 8. Subject to Planning Commission approval, lakes and ponds created as part of the project may be included in final open space calculations. Existing

lakes and ponds shall be excluded from meeting the minimum of twenty (20%) open space requirement.

C. Standards for Open Space. The following standards shall apply to the preserved open space required by this Section:

1. All of the open space shall be within the development and all of the required open space shall be held in common ownership or shall be established by an easement which assures common access and use.
2. Features To Be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
 - a. Natural stands of large trees.
 - b. Natural habitat for wildlife within the developed portion of the property.
 - c. Unusual topographic features.
 - d. Productive farmland.
 - e. Water or wetland areas.
3. The open space may include recreational trails, picnic areas, children's play area, community building or other use which, as determined by the Planning Commission, is substantially similar to these uses.
4. The open space held in common shall be available for all residents of the development, subject to reasonable rules and regulations.
5. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
6. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
7. Open space held in common shall be located so as to be reasonably accessible to the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided.
8. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land. If it is feasible that the open space may physically abut adjacent existing or planned public or private parks, schools, preserves or dedicated open space the Village may require that the open spaces be connected at the common boundary.

Sec. 30.21.05 Development Requirements.

- A. Water and Sanitary Sewer. Unless determined by the Village Council to be unreasonable to require or infeasible to serve a project, all open space preservation projects shall be served by public or community water and sanitary sewer. Private wells and septic systems shall be subject to the approval of the Ionia County Health Department.
- B. Minimum Lot Sizes and Setbacks. In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning

Plan the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located.

1. The following minimum lot sizes shall be required unless it is demonstrated that a waiver is required:

<u>Target*</u> <u>Minimum Lot Size</u>	<u>Target*</u> <u>Minimum Lot Width</u>
10,000 feet	90 feet

* Conventional lot size requirements are reduced by 50% in order to allow the development to achieve the same number of lots as allowed under the existing zoning and still set aside at least 20% of the parcel as open space.

- C. Compliance with Zoning District. The development of land under this Article shall comply with all use, height and area requirements of this Ordinance applicable to the LDR- Low Density Residential district in which the land is located, except for the lot size and setback requirements. The minimum front, side and rear yard setback standards are as follows:
1. Front Yard: 25 feet
 2. Side Yard: 10 feet except that each street side of a corner lot shall provide a minimum of 25 feet of setback.
 3. Rear Yard: 25 feet
 4. Detached accessory buildings and structures: 5 feet from side and rear yard lines
- D. Maximum Number of Lots. The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission under Sec. 30.21.03.
- E. Perimeter Lots. Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation project be designed and constructed with lot sizes and setbacks or open space buffers on the perimeter that will create transitional net densities reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- F. Sidewalks. The Planning Commission may require sidewalks in accordance with the Village's Site Condominium Ordinance and Subdivision Control Ordinance.
- G. Grading. Grading shall comply with the following requirements:

1. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
2. All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.

Article 22
Site Plan Review And Approval
Of Site Condominium Projects

Sec. 30.22.00 Purpose and Scope.

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

This Article requires that all site condominium projects receive site plan approval from the Village Council. Initially there is a preliminary plan review by the Planning Commission, followed by Planning Commission review of the final plan and a Planning Commission recommendation concerning the final site condominium project plan to the Village Council. The Village Council then considers whether or not to grant site plan approval for the site condominium project. These procedures are necessary to ensure that site condominium projects comply with this Ordinance and all other applicable laws, ordinances, rules and regulations. Site plan approval for a site condominium project will only be granted if the land uses proposed for the site condominium project are (1) permitted uses in the zoning district in which the site condominium project is proposed or (2) have been previously approved as a special use.

Sec. 30.22.01 Definitions.

- A. For purpose of determining compliance with the applicable requirements of this Ordinance (including, without limitation, height, area, yard and density requirements) or with other applicable laws, ordinances, rules or regulations, a “building site” shall be considered to be the equivalent of a “lot.”
- B. Except as otherwise provided by this Ordinance, all words and phrases used in this Article which are specifically defined in the Condominium Act, shall have the meanings given to them in the Condominium Act including, but without limitation, common elements, condominium unit, general common elements, and master deed.
- C. For purposes of their use in this Article 22 only, the following words and phrases are defined as follows:
 - 1. Building envelope: The area of a condominium unit within which the principal building or structure may be constructed, together with any

accessory structures, as described in the master deed for the site condominium project. In a single family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

2. Building site: An area within a site condominium project which may be either:
 - a. The area within the site condominium unit itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
 - b. The area within the site condominium unit itself (as described in paragraph a. immediately above), together with the area of any contiguous and appurtenant limited common element.
3. Condominium Act Public Act 59 of the Michigan Public Acts of 1978, as amended, or any successor Michigan public act having the same or similar regulatory purpose, as amended.
4. Limited common element: An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.
5. Site condominium project: A project consisting of not less than two (2) site condominium units which are established and regulated pursuant to the Condominium Act.
6. Site condominium project plan: The plans, drawings and information prepared for a site condominium project as required by and described in the Condominium Act including, but without limitation, Section 66 of that Act, and as required by and described in this Ordinance for site plan review and possible site plan approval for the site condominium project by the Planning Commission and the Village Council.
7. Site condominium: A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or sub-surface vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

- D. The definitions assigned to words and phrases elsewhere in this Ordinance shall also apply in this Article.

Sec. 30.22.02 Review Of Preliminary Plans By The Planning Commission- Standards And Required Improvements.

- A. Prior to review and possible site plan approval of a site condominium project plan by the Village Council, a preliminary site condominium project plan shall be

reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this Article.

- B. Application for review and possible site plan approval of a site condominium project plan shall be initiated by an applicant filing with the Zoning/Building Official a written application along with a preliminary plan. To be placed on the agenda, the application and the preliminary plan must be filed at least twenty one (21) days prior to the date of the Planning Commission meeting at which review is requested. The application and preliminary plan submitted for review shall comply with the following requirements and contain the following data:
1. A completed and signed application form as supplied by the Village.
 2. A plan showing the boundary of the subject property and its relationship to all contiguous properties, drawn at a scale of not more than 200 feet to the inch.
 3. Written proof of applicant's ownership of the subject property or, if the subject property is not owned by the applicant, written authorization signed by the owner of the subject property for the applicant to act on behalf of the owner.
 4. A location map showing the relationship of the subject property to the surrounding area (the area within 1000 feet).
 5. The proposed layout of streets, common areas and building sites.
 6. The relationship of proposed streets to adjacent streets and relationship of improvements and significant physical features to neighboring properties and public and private utilities.
 7. Existing physical conditions and characteristics of the subject property including, but without limitation, existing structures, wooded areas, topography at two (2) foot contours, flood plains, wetlands, streams and drainage.
 8. Proposed grading and storm drainage improvements and the location(s) of proposed detention/retention ponds.
 9. Proposed arrangements for wells, septic systems, public water, public sewer or other means for addressing a potable water supply and sanitary sewer needs.
 10. The existing land use and the existing zoning of the subject property and all contiguous properties.
 11. Preliminary building site data including number of building sites, minimum building site area and building site width.
 12. An application fee in accordance with the fee schedule established from time to time by resolution of the Village Council.
- C. The Zoning/Building Official shall forward copies of the application and preliminary plan to the Planning Commission.

- D. The Planning Commission shall review the application and the preliminary site plan in accordance with the following additional standards and requirements:
1. During its review of the application and the preliminary site plan, the Planning Commission may consult with the Zoning/Building Official, Village Attorney, Village Engineer, Village Fire Chief, Village Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed site condominium project.
 2. The building sites for each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, and side and rear yards. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope.
 3. All public streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the Ionia County Road Commission and the Village Subdivision Ordinance. Private streets are not permitted unless they have been previously specifically approved as part of a planned development under the review and approval procedures provided in Article 16 of this Ordinance. Unless provided to the contrary in the conditions of the planned development approval, any private street authorized as part of a planned development shall be constructed to the same standards as a platted public street.
 4. Unless specifically waived by the Village Council at the time it grants site plan approval for the site condominium project, each site condominium project shall be developed so it has the same improvements that are required for platted subdivisions as provided in the Village of Saranac Land Divisions and Subdivisions regulations, Chapter 14 Code of Ordinances, Sec.14-44, as amended, or the equivalent provision of any successor Village ordinance having the same or similar regulatory purpose, as amended.
 5. The Planning Commission may, prior to making a recommendation on the preliminary site condominium project plan, require that the preliminary plan or relevant portions thereof be submitted to any federal, state or county agency having review or approval/permitting jurisdiction over the proposed site condominium project for preliminary comments and recommendations.

Sec. 30.22.03 Planning Commission Recommendation.

After reviewing the application and the preliminary site condominium project plan, the Planning Commission shall adopt a resolution, which may incorporate a separate written

statement by reference, containing the Planning Commission's recommendations regarding the proposed site condominium project, including any suggested or required changes in the preliminary plan. The Planning Commission shall provide a copy of the resolution and attached written statement, if any, to the applicant and to the Village Council for information purposes.

Sec. 30.22.04 Review And Recommendation Concerning Final Plans By Planning Commission.

- A. Within one year of the date on which the Planning Commission adopted the resolution referred to in Section 30.22.03 above, the applicant shall file with the Village Zoning Administrator a minimum of ten (10) copies of a final site condominium project plan which complies with the requirements of Section 30.22.06 below. The Village Zoning/Building Official shall forward a copy of the final plan to each member of the Planning Commission. To be placed on the agenda for consideration at a Planning Commission meeting, the final plan must be filed at least 21 days prior to the Planning Commission meeting at which consideration is requested.
- B. The final site condominium project plan filed by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission as part of its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Differences between the final plan and the preliminary plan, other than those changes necessary to incorporate the recommendations of the Planning Commission with respect to the preliminary plan, shall be clearly specified in writing together with a written explanation of the reason(s) for each change.
- C. In reviewing the final site condominium project plan, the Planning Commission shall consider all of the requirements of this Article and shall also review all deed restrictions and covenants for the site condominium project in order to determine if they are adequate to ensure ultimate completion of the project in accordance with the final plan. The Planning Commission shall also consider whether the final plan meets the requirements of this Ordinance and all other Village ordinances as well as county, state and federal ordinances, laws, rules, and regulations.
- D. After considering all of the matters referenced in subsections (B) and (C) above, the Planning Commission shall adopt a resolution recommending to the Village Council that the site plan approval be given for the site condominium project, either with or without conditions, or that site plan approval be denied. If the recommendation is that the site plan approval be granted with conditions or denied, the Planning Commission resolution shall include either in the resolution itself, or in an attached written statement incorporated by reference, the reasons for each recommended condition or the reasons for the recommendation of denial.

The Zoning/Building Official shall forward a copy of the Planning Commission's recommendation resolution to the applicant and to the Village Council, and shall

also forward to the Village Council one (1) copy of the final site condominium project plan.

Sec. 30.22.05 Review And Consideration Of Site Plan Approval By The Village Council.

- A. After receipt of the Planning Commission recommendation and the final site condominium project plan, the Village Council shall determine whether or not to grant site plan approval for the site condominium project within a reasonable time period. Prior to Council consideration, the applicant shall file with the Zoning/Building Official two (2) copies of final engineering plans for all required improvements under the Village's jurisdiction. One (1) copy of these plans shall be forwarded to the Village Engineer, who shall review and comment on the completeness and adequacy of the plans for the Council's consideration.
- B. Upon receipt of the comments of the Village Engineer and third party operator(s), if any, the Village Council shall decide whether to grant site plan approval, with or without conditions, or whether to deny site plan approval. The decision of the Village Council shall be based upon the requirements and standards of this Ordinance, other Village planning documents, other applicable ordinances and state and federal statutes.
- C. If site plan approval is granted, the Village Clerk shall sign the final site condominium project plan with the notation that site plan approval has been granted and, if there are conditions, shall refer to and attach a copy of the conditions. The Village Clerk shall also notify the applicant in writing of the Village Council's decision.
- D. Site plan approval by the Village Council, with or without conditions, shall give the applicant the following rights for a one (1) year period from the date of Village Council's action:
 - 1. That the general terms and conditions under which site plan approval was granted will not be changed by the Village.
 - 2. That the building site sizes, number and orientation, utilities and street layout have been approved.
- E. Site plan approval for a site condominium project shall not be effective unless and until the final site condominium project plan has been submitted to and approved in writing by the Ionia County Health Department, Ionia County Road Commission, Ionia County Drain Commissioner, Michigan Department of Environmental Quality, Michigan Department of Public Health and all other state and county review and enforcement agencies having jurisdiction, or their respective successors, to the extent these agencies or their respective successors have authority over any aspect of the proposed site condominium project.
- F. As a condition of granting site plan approval for a site condominium project, the Village Council may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village covering the estimated cost of improvements associated with the site condominium project for which approval is sought, be deposited with the Village Clerk as provided by the Village Zoning Act, or the corresponding section of any successor public act having the same or similar regulatory purpose.

Sec. 30.22.06 Contents Of Final Site Condominium Project Plan.

A final site condominium project plan shall include all of the applicable documents and graphic information required by Section 66 of the Condominium Act and by the Saranac Village Subdivision Control Regulations of Chapter 14 of the Village Code, and shall also include all of the following:

- A. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- B. A narrative describing the overall objectives of the proposed site condominium project.
- C. A complete list of all other review or permitting federal, state, or county agencies having jurisdiction over any element of the site condominium project or its construction and copies of any comments, recommendations or letters of approval from such agencies.
- D. A storm drainage and a storm water management plan, including all lines, swales, drains, basins and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
- E. A utility plan showing all water and sewer lines and easements to be granted to the Village for installation, repair and maintenance of all utilities.
- F. A narrative describing the proposed method of providing potable water supply, waste disposal facilities and all other public and private utilities.
- G. A street construction and paving plan for all streets within the proposed site condominium project. If one or more of the streets are to be private, which is only permitted if first approved as part of a planned development as is provided in Section 30.17.25, a street maintenance plan shall be included.

Sec. 30.22.07 Construction Schedule; Commencement Of Construction; Issuance Of Permits.

No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced by any person and no building, construction or grading permits shall be issued by the Zoning/Building Official for a site condominium project until:

- A. The site condominium project has been granted site plan approval by the Village Council.
- B. All conditions imposed by the Village Council as part of the site plan approval, which are required to be performed prior to the commencement of construction, have been met.
- C. All required approvals or permits from federal, state and county agencies having jurisdiction have been obtained for the project.
- D. A construction and inspection schedule for all required improvements has been established and agreed upon by the Zoning/Building Official and the applicant.

Sec. 30.22.08 Expandable Or Convertible Condominium Projects.

Site plan approval for a site condominium project shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible portions were specifically reviewed and approved by the Village Council as part of its site plan approval in compliance with the procedures, standards and requirements of this Article.

Sec. 30.22.09 Review And Approval Of Changes To Approved Site Condominium Projects.

Any change proposed in connection with a site condominium project for which the Village Council has previously granted site plan approval shall be subject to the same review and approval procedures as provided by this Article for the original review and site plan approval of the site condominium project.

Sec. 30.22.10 Incorporation Of Approved Provisions In Master Deed.

All provisions of a final site condominium project plan approved by the Village Council as provided by this Article shall be incorporated by reference in the master deed for the site condominium project. A copy of the master deed and all exhibits, as recorded with the Ionia County Register of Deeds, shall be filed with the Village within seven (7) days after the recorded documents have been returned by the Register of Deeds.

Sec. 30.22.11 Approval Effective For One (1) Year; Extensions.

Village Council site plan approval of a site condominium project shall expire one (1) year from the date of approval, unless construction of the project commences within that one (1) year period and is diligently pursued to completion in accordance with the conditions of the site plan approval. The Village Council, in its discretion, may extend this one (1) year period for additional periods of time as determined appropriate by the Village Council if the applicant applies for the extension prior to the expiration of the site plan approval or any extension thereof.

Sec. 30.22.12 Exemption Of Existing Projects.

- A. This Article shall not apply to a site condominium project which, as of the effective date of this Article, met both of the following requirements:
 - 1. A condominium master deed was recorded for the project with the Ionia County Register of Deeds; and
 - 2. The project fully complied with the applicable requirements of all Village ordinances in effect on the date when the condominium master deed was recorded.
- B. Site condominium projects exempted from compliance with this Article by subsection (a) above shall be subject to the provisions of this Article with respect to an amendment to the master deed for the site condominium project which:
 - 1. Creates an additional building site(s);
 - 2. Alters the horizontal dimensions of a building site(s); or
 - 3. In any other way changes or alters the boundaries of a building site(s).

Article 23
Nonconforming Uses And Structures.

Sec. 30.23.00 Nonconforming Uses and Structures.

Lawful nonconforming uses or structures as defined in Article 2 may be continued but shall not be enlarged, extended, added to, or altered unless each such enlargement, extension, alteration or addition is in conformity with the provisions of this Ordinance.

Sec. 30.23.01 Discontinuance of Nonconforming Uses and Structures

If the nonconforming use of any land or structure is terminated for a continuous period of nine (9) months or more, the use shall not be reestablished and any future use of the land or structure shall be in conformity with this Ordinance.

Sec. 30.23.02 Restoration and Repair.

- A. Repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made.
- B. In the event any nonconforming building or structure is damaged by fire, wind, or any Act of God or the public enemy, it may be rebuilt or restored within one (1) year, provided the cost of restoration thereof shall not exceed sixty (60) percent of the replacement value of such building or structure. The determination shall be made by the Zoning Administrator.

Sec. 30.23.03 Change of Use

The use of a nonconforming building may be changed to another nonconforming use if upon application under the special land use procedures of Article 20, the planning commission finds that the new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

Sec. 30.23.04 Specific Signs.

Nonconforming signs and billboards may be maintained until such time as the sign structure, frame or supports must be replaced, renovated, altered or moved. At such time the sign shall comply with all provisions of this Ordinance. This shall not be construed to prohibit the lettering or repainting of a sign or billboards.

Sec. 30.23.05 Nonconforming Lots of Record (Substandard Lots).

Any lot platted or legally created prior to the effective date of this ordinance that fails to comply with the minimum requirements of its zone district may be used in the following manner:

- A. A lot in any residential zoning district except the LDR Zoning District, which at the effective date of this Ordinance contains less than 80 percent of the Zone District width and area requirements and is not adjacent to lots owned by the same person, family, partnership or corporation may be sold and/or utilized for a single-family dwelling. Within the LDR District, the provisions of Sec. 30.4.04 shall apply.

- B. Any lot in any zoning district legally created and conforming to zoning prior to the effective date of this ordinance and which meets 80 percent or more of the zone district width and area requirements may be sold and or utilized as a separate lot; provided, however, that the front yard must conform to the requirements of the Zone District in which said lot is located.
- C. Two (2) or more adjacent lots each containing less than 80 percent of the zone district requirements and owned by the same person, family, partnership or corporation, at the effective date of this Ordinance, shall be joined and re-divided to create one or more lots each meeting at least 80 percent of the zone district requirements.

Sec. 30.23.06 Expansion.

- A. Nonconforming uses shall not be extended, added to or enlarged.
- B. Nonconforming structures shall not be extended, added to or enlarged, unless each such extension, alteration, or addition is intended to bring said structure into conformity with the provisions of this Ordinance.
- C. Nonconforming lots of record (substandard lots) shall not be extended, added to or enlarged unless each such action results in more conforming lot sizes.

Article 24

Zoning Board of Appeals

30.24.00 Authorization.

The Village Council shall act as the Zoning Board of Appeals (ZBA) as authorized, in accordance with Act 110, the Public Acts of 2006 of the State of Michigan, as amended, (Section 601) to carry out responsibilities provided thereon, and those delegated herein. Membership terms shall be limited to the time they are members of the Village Council. A Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present. The Village Council member who is also a member of the Planning Commission, shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. That member may consider and vote on other unrelated matters involving the same property.

30.24.01 Alternate Members.

Pursuant to Act 110 of the Public Acts of Michigan of 2006, as amended, (Section 601. (6) (7)) the Village Council may appoint two alternate members to the Zoning Board of Appeals. The Village President shall call one or both of the alternate members to serve on the Zoning Board of Appeals by such method or in such manner as the Village President deems appropriate, whenever the Village President is informed that one or more regular members of the Zoning Board of Appeals will be unable to attend 1 or more meetings or will abstain for reason of conflict of interest in a particular matter before the Zoning Board of Appeals.

Whenever a regular member is unable to attend 1 or more meetings or will abstain for reason of conflict of interest in a particular matter and is replaced by an alternate member, the regular member shall not be included for purposes of determining a quorum or majority of the members of the Zoning Board of Appeals, but the alternate member shall be included. Whenever an alternate member is called to serve because a regular member will abstain for reason of conflict of interest, the alternate member shall serve only to hear and decide the matter giving rise to the conflict of interest and shall not hear or decide any other matters before the Zoning Board of Appeals. For service on the Zoning Board of Appeals for all or part of any regular or special meeting, an alternate member shall receive the same sum as is paid to regular members for attending a regular or special meeting of the Zoning Board of Appeals. An alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member. Alternate members may be appointed to serve for up to a 3 year term. Alternate members shall be representative of the local population of the Village but may not include employees or contractors to the Village Council. Only one alternate member may have concurrent membership on the Planning Commission.

30.24.02 Powers and Duties.

The Zoning Board of Appeals shall have all the power and duties prescribed by Public Act 110 of 2006, as amended, and by this ordinance which are specified as follows:

- A. Hear Appeals. The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or body in administering or enforcing any provisions of this Ordinance. Upon appeal, the Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, as, in its opinion, ought to be made in the premises, and to that end shall have all the power of the official from whom the appeal is taken, and may direct the issuance of a permit.
- B. Interpretation. The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts where uncertainty exists.
 - 3. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district, providing that it conforms to a comparable permitted or regulated use (in accordance with the purpose and intent of each district), until such time when the unclassified use is properly assigned or classified by amendatory legislation.
- C. Variances. The Zoning Board of Appeals shall have the power to authorize, upon appeal, variances from the specific requirements of this ordinance, such as lot area and width regulations, building height and other bulk regulations, off-street parking and loading space requirements, and use provided all of the conditions listed in Section 30.24.10 can be satisfied.

30.24.03 Organization and Conduct of Business.

- A. Rules of Procedure and Decision-Making. The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Village President shall act as chairperson, and in the absence of the President, the President Pro Tem, shall preside over the meeting. The Zoning Board of Appeals shall formulate decisions based upon the standards and other various provisions of this Ordinance.
- B. Meetings. Meetings shall be held in conformance with the Open Meetings Act. A majority of the village council is required for the Zoning Board of Appeals to conduct its business.
- C. Records. Records shall be kept in accordance with the Open Meetings Act and placed in the custody of the Village Clerk.
- D. Procedure for Appeals/Variance and the Decision Process. Ref. Section 30.24.09.
- E. Hearings. All appeals and requests before the Zoning Board of Appeals shall require public hearing in compliance with the Michigan Zoning Enabling Act and the Open Meetings Act.
- F. Decisions. A concurring vote of a majority of the members of the Zoning Board of Appeals is necessary in order to take any action on a matter before the Zoning Board of Appeals.

30.24.04 Conditions of Zoning Board of Appeals Approval.

- A. Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment, conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet any 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 or participate in the 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.
- B. In the event the Zoning Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question in such a way that it would exceed those rights given by the zoning ordinance or the variance, or fail to follow any conditions placed thereon by the Zoning Board of Appeals. In the event the use of the property exceeds those rights given by the zoning ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall immediately terminate and it shall be deemed a violation of this ordinance.

30.24.05 Time Limits.

Any decision of the Zoning Board of Appeals on an appeal or application for a variance which has resulted in granting a zoning compliance permit, the variance shall be valid for a period of one (1) year with an additional one (1) year extension granted by the Zoning Administrator. This is construed to be a reasonable period of time within which to begin construction.

30.24.06 Final Decisions.

The decision of the Zoning Board of Appeals shall be final. Any aggrieved party by such decision shall have the right to appeal to the County Circuit Court where the application property is located on questions of law and fact. The records of the Zoning Board of Appeals shall be made available for the court's review. An appeal from a decision of the Zoning Board of Appeals shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson or signed by the members if there is no chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The Court may make other orders as justice requires.

30.24.07 Effect of Appeals Proceedings (Stay of proceedings).

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals (after the Notice of Appeal shall have been filed with that officer or body), that by reason of facts stated in the certificate, a stay would cause immediate peril of life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a Circuit Court.

30.24.08 Application Procedures.

When any order, requirement, decision or determination is subsequently appealed to the Zoning Board of Appeals or when a variance is requested, as provided for in this ordinance, the appellant shall file a Notice of Appeal with fee to the Zoning Administrator who shall forward all records and materials to the Zoning Board of Appeals. If appealing a determination or order, the Zoning Administrator shall also send copies of all materials to the official or body of officials from whom the appeal is taken. Such body or official shall also make all records available to the Zoning Board of Appeals for review.

30.24.09 General Procedural Steps by Zoning Board of Appeals.

- A. The Zoning Board of Appeals reviews the appeal, variance or interpretation application to make sure that it is the proper form for the action requested, and to see that all required information is submitted.
- B. The Village Clerk shall place said appeal, variance or interpretation application on the calendar for hearing at the next timely meeting of the Zoning Board of Appeals.
 - 1. The notice shall be given not less than 15 days before the date the application will be considered for approval published in a newspaper of general circulation in the Village area.
 - 2. The notice shall also be sent by mail or personal delivery to the owners of the application property, all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 - 3. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
 - 4. The notice shall do all of the following:

- a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing all existing property addresses within the property. Street addresses do not need to be created or listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - e. If a request does not involve a specific parcel of property, the notice need only be published not less than 15 days before the date the application will be considered and given to the person making the request by mail or hand delivered not less than 15 days before the public hearing date.
- C. At the hearing, rules and procedures for the conduct of the hearing as may be established in the Bylaws of the Zoning Board of Appeals shall be followed:
 1. Any party may be heard in person or by agent or attorney.
 2. The Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. If the hearing is adjourned, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing, except as may be required by the Open Meetings Act.
- D. Following the hearing, the Zoning Board of Appeals shall formulate its decision as follows:
 1. The Zoning Board of Appeals shall consider the merits of the individual application or appeal within the context of any and all standards and considerations established in this ordinance. In the case of variances, the standards of Section 30.24.10 shall control.
 2. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit.
 3. The written decision of the Zoning Board of Appeals shall not be final until five (5) days after it is made unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights, and shall so certify on the record. In the written decision on the application or appeal, the Zoning Board of Appeals must include the reasons for decision and facts supporting such decision.

30.24.10 Standards for Variances.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals shall have the power, in passing on

appeals, to vary or modify any rule, regulation, or provision of the zoning ordinance by granting variances only when all of the following conditions exist:

- A. Zoning requirements cannot be met by an existing lot or that the physical topography inhabits the lawful location of a structure or its accessories such as garage, sheds, etc. If the Zoning Board of Appeals finds that local requirements, as written, can be met, the variance must be denied. Increased financial return alone shall not be deemed sufficient to warrant a variance.
- B. The appellant must show that a variance:
 - 1. Will not be contrary to the public interest and it is not for a self-made hardship;
 - 2. Will not cause a substantially adverse affect upon adjacent property values;
 - 3. Will relate only to the property under control of the appellant;
 - 4. Will not jeopardize the preservation of a substantial right, although the spirit of the ordinance shall be observed, public safety secured, and substantial justice be done;
 - 5. Will not adversely affect or diminish the purpose of this ordinance;
 - 6. Will not increase the hazard of fire, flood or similar dangers;
 - 7. Will not cause traffic hazards or result in substantially increased congestion;
 - 8. Will not produce nuisance conditions to occupants or nearby premises, whether by reason of dust, noise, fumes, odor, vibrations, smoke or lights; and
 - 9. Will not otherwise impair public health, safety, comfort, or general welfare of the residents of the Village.

Article 25

Administration

Sec. 30.25.00 Administration.

The provisions of this Ordinance shall be administered by the Village Planning Commission and the Village Council in accordance with Act 110 of the Michigan Zoning Enabling Act of 2006, as amended. The Planning Commission shall have the guiding responsibility for the administration and enforcement of the Ordinance; and shall furthermore;

- A. Prepare and recommend for adoption by Village Council, the rules and guidelines for use in the proper administration and enforcement of the Ordinance.
- B. Act as a policy board on matters of enforcement and administration of the Ordinance not covered by adopted rules or guidelines.
- C. Conduct Public Hearings.
- D. Make comprehensive review and recommend changes to the Village Master Plan and Village Zoning Ordinance at a minimum of every five (5) years.
- E. Review all proposed requests for site plan approval, special use permits, site condominium subdivisions and amendments to the Zoning Ordinance as provided under this ordinance for compliance with Village requirements and as appropriate, recommend appropriate action to the Village Council for approval, disapproval or modification.

Sec. 30.25.01 Enforcement by Zoning Administrator.

This ordinance shall be administered and enforced by the Zoning Administrator being duly designated and appointed by the Village President with the approval and consent of the Village Council. Acting in this capacity, the Zoning Administrator may issue civil infraction citations for violations of this ordinance, as provided by the Village of Saranac Municipal Civil infraction ordinance, being Ordinance Number 72.

Sec. 30.25.02 Duties of the Zoning Administrator.

Under the provisions contained herein and the direction of the Planning Commission, it shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the following duties:

- A. Issue Permits. All applications for zoning compliance permits, Site Plan approval, and special use permits shall be submitted to the Zoning Administrator, who may issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
- B. Record Applications. The Zoning Administrator shall maintain and keep in an orderly, accessible manner, files of all applications for all of the above permits, and for variances; and shall keep records of all such permits and variances issued. These shall be filed at the Village Administration Office and shall be open to

public inspection. Copies shall be furnished at cost upon the request of any person.

- C. Inspections. The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.
- D. Cancellation of Zoning Compliance Permits, Site Plan, Special Use Permits and Variances (ref. Sec. 30.19.08 and Sec. 30.20.07). With proper notice given, the Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or negligence to comply with any of the provisions of this Ordinance; or in case of any false statement or misrepresentation made in the application, the provisions of Section 30.25.16, Violations, shall be invoked. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation.
- E. 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. It shall be the responsibility of the Village Council to assure that the Zoning Administrator enforces the provisions of this Ordinance.

Sec. 30.25.03 Application Procedures for Zoning Compliance Permits.

Prior to the construction, physical development or razing of a proposed new or expanded use, structure, or building, or the moving of any structure or the restoration and structural improvement (other than normal repairs and minor improvements) of any existing use or structure, or the conversion from one use to any other use, a zoning compliance permit shall first be obtained. An application for a required zoning compliance permit must be made to the Zoning Administrator. For uses permitted only after Site Plan approval, see Article 19. For uses permitted by special use permit, see Article 20.

Sec. 30.25.04 Contents of Application.

Among the information to be supplied by the applicant and which shall constitute the application package, the following shall be included:

- A. An "Application for Zoning Compliance Permit" completed as fully as possible with all data, descriptions and information, as called for therein.
- B. A site plan where required (ref. Article 19).
- C. Description of the proposed use and of the building (dwelling, structure, barn, garage, etc.) or improvements;
- D. The yard, open space and parking space dimensions (as shown on a site plan).
- E. In the case where the current use is commercial or industrial, not publicly sewered and the application is to change, convert, add or expand such commercial or industrial use, a statement from the Ionia County Health Department must be submitted certifying that the present or proposed on-site septic disposal system is adequate to meet the needs of the changed, converted, added or expanded use after development.

Sec. 30.25.05 Fees.

A fee as may be set by the Village Council and listed in the Village's Schedule of Fees shall accompany any plans or applications in order to defray the cost of administration and inspection. The schedule of fees may include the cost of hiring any consultants necessary to evaluate the application.

Sec. 30.25.06 General Procedural Steps.

Upon receipt of an application, the Zoning Administrator:

- A. Reviews the application package:
 - 1. To make sure that it is the proper application for the zoning action requested.
 - 2. To see that all required information is submitted.
 - 3. To determine conformance with zoning regulations, unless waived by variance from the Zoning Board of Appeals.
- B. Takes one or more of the following preliminary actions:
 - 1. Requests from the applicant that any omitted or pertinent and necessary information now be submitted.
 - 2. If necessary, requests the Zoning Board of Appeals to interpret an unclear ordinance provision.
 - 3. Where required, reviews the site plan according to the site plan review standards for approval as set forth in Article 19.
 - 4. Refers the application to the Planning Commission for action in conformance with this Ordinance.
 - 5. If necessary, discusses the application and site plan with the Planning Commission for advisory comments.
 - 6. Makes a site inspection to verify accuracy of the application and to gather additional information.
 - 7. If necessary, makes a recommendation to the Village Council that the Village hire a planner, engineer, architect or other consultant necessary to evaluate the application.

Sec. 30.25.07 Approval.

Upon satisfaction of the standards for site plan review/approval, and of any additional requirements or conditions that may be needed to meet those standards, the Zoning Administrator shall issue a zoning compliance permit. One copy of the zoning compliance permit shall be returned to the owner or applicant. A surety deposit may be required to ensure compliance with any imposed or proposed public improvements, requirements, specifications, and conditions.

Sec. 30. 25.08 Denial of Zoning Compliance Permit.

If the application for Zoning Compliance Permit is denied by the Zoning Administrator, the reason or cause for denial shall be stated in writing.

Sec. 30. 25.09 Time Limits.

A Zoning Compliance Permit shall be valid for one (1) year. A valid Zoning Compliance Permit is eligible for one (1) additional one-year extension granted by the Zoning Administrator as a reasonable length of time within which to begin construction.

Sec. 30. 25.10 Inspection.

At least one site inspection by the Zoning Administrator must be held before development.

Sec. 30. 25.11 Cancellation of Permit.

See Sec. 30. 25.01D and Sec. 30.25.16, Violations.

Sec. 30. 25.12 Amount of Surety.

The amount of surety to be submitted by the applicant shall be equal to the total estimated cost of all required Improvements and conditions of site plan and zoning approval, including contingencies. If development is staged or phased over time, a separate surety amount for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite.

Sec. 30. 25.13 Return of Surety and Rebates.

During project development, as specific improvements and conditions of site plan and zoning approval are satisfactorily completed, as attested to by the Zoning Administrator, the Planning Commission (or in the case of site condominium subdivisions, the Village Council) shall direct the Village Clerk to return or rebate a portion of the cash or surety bond equal to the cost of the specific improvement or condition complied with.

Sec. 30. 25.14 Withholding and Partial Withholding of Surety.

Upon the failure to comply with any or all of the requirements of this Ordinance, an approved site plan, or with any or all conditions of zoning approval, the surety, or portion thereof, shall be forfeited by the applicant. The Planning Commission (or in the case of site condominium subdivisions, the Village Council) shall determine the cost of the zoning and site plan requirement to be completed according to the most current construction prices, including the cost of administration. The amount determined shall be the amount of bond forfeited. The Village Council shall apply said forfeited surety toward zoning enforcement upon the site, and/or toward completing the necessary improvements, requirements, or conditions of zoning approval upon the site.

Sec. 30.25.15 Performance Guarantee For Moving of Buildings.

The Zoning Administrator shall require a performance guarantee prior to the relocation off the premises of principal structures (other than mobile homes) and any accessory structure having more than one hundred forty-four (144) square feet of floor area. The surety shall be determined according to a guideline of \$5,000 for each 1,000 square feet or fraction thereof of floor area of the structure to be moved. The monetary guideline may be increased from time to time by resolution of the Village Council. The surety shall be conditioned on the applicant completing the move within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the Village Council may from time-to-time prescribe, including filling or excavation and proper treatment of utility connections.

Sec. 30.25.16 Schedule of Fees.

Upon the filing of an application for a zoning compliance permit, special use permit, site plan review, variance or rezoning, an administrative fee shall accompany said application. The Village Council shall determine and set a schedule of fees to be charged. The schedule of fees may include the cost of hiring any consultants necessary to evaluate the application. Fees shall be collected prior to processing of any requested permit, variance, appeals, rezoning, etc.

Sec. 30.25.17 Violations.

Any person, corporation, firm or entity who disobeys, omits neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals or Village Council issued in pursuance of this ordinance shall be in violation of this ordinance. Any such violation is hereby declared to be a public nuisance per se. A violation of this ordinance is a municipal civil infraction, for which a court of competent jurisdiction may order the imposition of fines, costs, expenses and damages and/ or may grant other relief. Each day during which a violation continues shall be deemed a separate offence. The foregoing penalties shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law

Article 26

Amendments

30.26.00 Amendment Procedure.

The Village Council may from time-to-time on its own motion, on application or petition of one or more property owners, or on recommendation of the Planning Commission or other body affected, amend, supplement or repeal the regulations and provisions of this ordinance after public notice and hearing. Every such proposed amendment or change shall be enacted in conformance with the provisions of Public Act 110 of 2006, as amended, and the procedures indicated below:

- A. Any amendment initiated by any of the methods enumerated above shall be referred to the Planning Commission, which shall cause a complete study of the proposed amendment to be made, shall make a tentative report, and shall hold a public hearing thereon.
 - 1. The notice shall be given not less than 15 days before the date the application will be considered for approval published in a newspaper of general circulation in the Village area.
 - 2. The notice shall also be sent by mail or personal delivery to the owners of the application property, all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 - 3. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
 - 4. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing all existing property addresses within the property. Street addresses do not need to be created or listed if no

- such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
5. An affidavit of mailing shall be maintained. After a public hearing, the Planning Commission shall make its final recommendation to the Village Council accompanied by a summary of the comments submitted at the public hearing.
- B. The Village Council may hold additional public hearings if it considers it necessary.
- C. The Village Council shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Clerk. Such hearing notice shall be given to the interested property owner subject to the following requirements.
- 1. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
 - 2. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing all existing property addresses within the property. Street addresses do not need to be created or listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- D. In the case of an amendment rezoning an individual property or several adjacent properties, notice of the proposed rezoning and hearing shall be given by United States mail or personal delivery to the owners and occupants of the property at least fifteen (15) days before the hearing as described in section (A) above. In addition, a notice of proposed rezoning for a group of adjacent properties numbering 11 or more that is proposed for rezoning, then section A (2) above (300 foot notices) and section A (4) (b) above (listing of property addresses part) does not apply to that group of adjacent properties. Such notices shall be addressed to the respective owners and occupants at the address given in the last assessment roll.
- E. If a protest against the proposed amendment is presented to the Village Council before the final legislative action on the amendment and the protest is duly signed

by the owners of at least twenty (20%) percent of the area of land included in the proposed change; or the owners of at least twenty (20%) percent of the area of land included within and area extending outward one hundred (100') feet from any point on the boundary of the land included in the proposed change excluding publicly owned land; then an amendment to this Ordinance may be passed only by a two-thirds (2/3rds) vote of the Village Council. All other amendments require a simple majority vote.

30.26.01 Procedure for Amendment Petitions.

- A. All petitions for amendments to this Ordinance shall be in writing, signed and filed in triplicate with the Village Clerk.
- B. All petitions for amendments shall be submitted on the proper form provided by the zoning administrator.
- C. Upon examination and approval of the application as to form, the Village Clerk shall forthwith transmit the application to the Planning Commission, which shall process the petition according to the provisions set out in this article.
- D. All applications for amendments from any person, firm, organization, or corporation shall be accompanied by a fee to be used for the purpose of defraying the cost of processing an application. The amount of said fee shall be as fixed by the Village Council.
- E. Upon adoption of a Zoning Ordinance or subsequent amendments, notice of adoption shall be published once in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice shall contain the following provisions:
 - 1. "A Zoning Ordinance regulating the development and use of land has been adopted (or amended) by the Village Council of the Village of Saranac."
 - 2. The effective date of the Ordinance or amendment (a minimum of 7 days after publication).
 - 3. The place and time where a copy of the Ordinance or amendment may be purchased or inspected.
 - 4. In the case of an amendment to an Ordinance, either a summary of the amendment and area affected, or the text of the amendment shall be included with the notice.

Article 27
Miscellaneous

30.27.00 Interpretation of Ordinance.

- A. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety and the general welfare.
- B. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive or higher standards, shall control.
- C. This ordinance shall not abridge the provisions of a validly adopted building code, subdivision or other regulation.

30.27.01 Severability (Separability).

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, nor other parts, sections, subsections, or clauses, thereof.

Upon the invalidation of any clause, subsection, section, part of the ordinance as a whole, any and all prior existing ordinances or ordinance provisions, which have application to the subject or issue at hand but which had been set aside or repealed by this ordinance shall immediately be made effective again.

30.27.02 Repeal of Previous Ordinance.

The Saranac Zoning and Building Ordinance, effective July 2, 1984, as amended, is hereby repealed.