



Village of Mancelona

# ZONING ORDINANCE

Adopted: 10.13.2020

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Amended Through: 03.02.2023

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ZONING ORDINANCE AMENDMENTS			
No.	Adoption Date	Effective Date	Description
114 of 2021	June 8, 2021	June 24, 2021	Marihuana Facilities and Use Overlay
116 of 2002	April 12, 2022	April 28, 2022	Landscaping and signs
117 of 2023	February 14, 2023	March 2, 2023	Fences, Infractions, Zoning Map
	September 12, 2023	September 29, 2023	Keeping Livestock, Fence Definition, and Zoning Map

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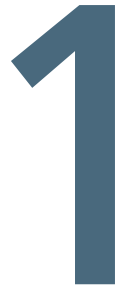
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## ARTICLE 1

# Title & Purpose



- 1.1. Title
- 1.2. Purpose
- 1.3. Area of Jurisdiction
- 1.4. Relationship to the Master Plan

### **1.1 TITLE**

This Ordinance shall be known and may be cited as the Village of Mancelona Zoning Ordinance, as amended and is referred to herein as the "Ordinance".

### **1.2 PURPOSE**

In accordance with the authority and intent of Michigan Zoning Enabling Act, PA 110 of 2006 as amended, the Village desires to provide for the orderly development of the Village, which is essential to the wellbeing of the community and which will place no undue burden upon developers, industry, commerce, or residents. The Village further desires:

- A. To promote the safety, health, morals, convenience and general welfare;
- B. To encourage the use of lands in the Village in accordance with their character and suitability for particular purposes;
- C. To lessen congestion on the public streets and highways;
- D. To facilitate the adequate provision of streets and highways, sewage disposal and water supply systems;
- E. To insure compatibility between land uses and to preserve property values by establishing standards for physical development.

### **1.3 AREA OF JURISDICTION**

The provisions of this Ordinance shall apply to all development, public and private, throughout the incorporated areas of the Village of Mancelona, Antrim County, Michigan, to the extent permitted by law. The area of jurisdiction is referred to herein as the "Village."

### **1.4 RELATIONSHIP TO THE MASTER PLAN**

This Ordinance is a tool used by the community to effectuate the recommendations of the Village of Mancelona Master Plan, the Mancelona Area Master Plan, and other planning documents, which serve as a guide to the long-term physical development of the Village.

# ARTICLE 2 General Provisions

# 2

- 2.1. Applicability
- 2.2. Vested Rights
- 2.3. Conflicting Regulations
- 2.4. Barrier Free Modification
- 2.5. Restoration of Unsafe Buildings
- 2.6. Relocation of Buildings
- 2.7. Demolition of Buildings
- 2.8. Temporary Buildings for Construction
- 2.9. Construction Standards, Completion, & Occupancy
- 2.10. Voting Place
- 2.11. Lots Adjoining Alleys
- 2.12. Yard Projections
- 2.13. Height Exceptions
- 2.14. Accessory Buildings, Structures, & Uses
- 2.15. Personal Solar Installations
- 2.16. Donation Bins
- 2.17. Outdoor Storage
- 2.18. Public Uses: Critical, Essential & Supportive
- 2.19. Clear Vision Areas
- 2.20. Fences
- 2.21. Refuse Receptacles
- 2.22. Recreational Vehicles
- 2.23. Performance Standards
- 2.24. Required Water Supply & Sanitation
- 2.25. Power Generators
- 2.26. Wood Burning Devices
- 2.27. Small Cell Wireless Facilities
- 2.28. Outdoor Sales & Displays
- 2.29. Keeping of Livestock

## 2.1 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within the Village and within all zoning districts. As an aid to users, this Ordinance cross-references sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this Ordinance. The Ordinance must be read and applied “as a whole.”

## 2.2 VESTED RIGHT

Nothing in this Article should be interpreted or construed to give rise to permanent vested rights in the continuance of any particular use, district, zoning classification, or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modification, as may be necessary to the preservation or protection of public health, safety, and welfare.

## 2.3 CONFLICTING REGULATIONS

In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than is imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked “example” or text marked “commentary” is not regulatory and is provided for illustrative purposes only.

## 2.4 BARRIER FREE MODIFICATION

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

## 2.5 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, County Building Official, or Public Health Inspector.

## 2.6 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the Village shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

## 2.7 DEMOLITION OF BUILDINGS

No structure shall be demolished until a demolition permit has been issued by the Zoning Administrator. The demolition shall be completed within such reasonable time period as shall be prescribed by the Village and under conditions that may be specified by the as necessary to protect the public health, safety and welfare. The demolition of structures



within the Village shall comply with the following:

- A. An application for a Demolition Permit shall include the reasons for the demolition and the intended use of the property following demolition. If the intended use is not permitted under the property's current zoning, a Demolition Permit shall be withheld until such time as approval for the new use is obtained, unless the property is deemed a hazard or attractive nuisance to the general public.
- B. Following demolition of the structure and the removal of all required debris, any excavation or foundation shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties.
- C. Following grading, all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil and seeded with an appropriate grass seed
- D. An accessory building remaining on a property following the demolition of the principal structure shall be maintained in good condition.

## **2.8 TEMPORARY BUILDINGS FOR CONSTRUCTION**

Temporary buildings or structures may be utilized during construction for the storage of construction materials and for construction offices during a construction period of an approved project. Temporary buildings shall be removed within thirty (30) days after the completion or abandonment of the work. No temporary building or structure shall be used as a dwelling unit.

## **2.9 CONSTRUCTION STANDARDS, COMPLETION, AND OCCUPANCY**

- A. All structures requiring a building permit shall be designed and constructed to meet any requirements of the Michigan State Construction Code, as amended, and with all applicable regulations adopted thereunder.
- B. Any construction in any district must have all exterior work completed and inspected within 180 days from date a building permit is issued. Any extensions of permits may only be granted through the Village Council.
- C. All uses, including non-conforming uses shall obtain a certificate of occupancy from the Antrim County Construction Codes Department when a certificate is required by the State Construction Code.
- D. All of the requirements and conditions contained in any development approvals applicable to the property, including zoning, site plan, and other Village approval, that have not been met at the time of the issuance of the development approval, shall be required to have been met before the issuance of any certificate of occupancy.

## **2.10 VOTING PLACE**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

## **2.11 LOTS ADJOINING ALLEYS**

In calculating the area of a lot that adjoins a vacated and unpaved alley or lane, for the

purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

## 2.12 YARD PROJECTIONS

Architectural features may encroach into required yards as follows:

- A. Cornices, eaves, sills, fireplaces, flues, ornamental features and other similar features may extend or project into a required yard a distance of not more than twenty four (24) inches.
- B. Uncovered and unenclosed ground story decks, patios or terrace less than thirty (30) inches above grade may project into a required yard a maximum of fifty (50%) percent of the required rear or side yard, and ten (10) feet into a required front yard.
- C. Covered or enclosed porches that extend from the ground floor level of a residential structure may project into a required front yard setback a maximum of five (5) feet.
- D. No permitted projection shall be allowed to encroach into a public right-of-way with the exception of approved awnings.

## 2.13 HEIGHT EXCEPTIONS

- A. Parapet walls may extend above the maximum height specified in the respective district by up to five (5) feet.
- B. Freestanding telecommunications towers may exceed the maximum height specified in the respective district.
- C. Architectural features associated with religious institutions shall be exempt from district height limits.
- D. Chimneys attached to residential dwellings may extend above the maximum height specified in the respective district only to the extent required to meet fire and state construction codes.

## 2.14 ACCESSORY BUILDINGS, STRUCTURES & USES

- A. Accessory to Permitted Residential Use in Residential Districts: No accessory building, structure, or use may be placed on a lot without an associated permitted principal use.
- B. When Attached to a Principal Building or Structure: Unless specifically provided for, accessory buildings or structures structurally attached to a principal building or structure shall be subject to all the regulations of this Ordinance applicable to principal buildings, structures, and uses.
- C. Prohibited Accessory Buildings, Structures and Uses: Transient (shipping) containers are not permitted as an accessory structure or building. No mobile home, tank, junk object, salvage materials, trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, the above requirements shall not be applicable to:
  - 1. Temporary offices, tool sheds or similar temporary storage structures, used pursuant to permitted construction, so long as the period of construction does not exceed two (2) years. All such structures shall be removed prior to issuance of a Certificate

of Occupancy or the closing out of a permit.

2. Underground storage tanks accessory to a permitted use. Said tanks, including the operation of same, shall meet all State and Federal permitting and monitoring requirements.
3. Storage/shipping containers, such as PODS (Portable On Demand Storage units), shall be allowed as a temporary use within the Village for a period not to exceed fourteen (14) days. Such containers shall only be for the use of the person utilizing the storage/shipping container for moving of goods and materials. At no time shall any container be placed as a permanent structure within any zoning district. Only one (1) container may be placed at any residentially zoned property or use at a time.

## 2.15 PERSONAL SOLAR INSTALLATIONS

Personal solar installations shall be permitted as an accessory use and structure where the primary purpose is to provide energy for on-site consumptions subject to the following standards:

### 2.15.1 Roof-Mounted Solar Installations

- A. Height: The height of the roof-mounted solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district.
- B. Setback: Roof-mounted solar installations shall be considered part of the building and meet all applicable building setbacks
- C. Placement: Roof-mounted solar installations may be permitted on principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.
- D. Coverage: Roof-mounted solar installations shall be allowed to cover the entire roof upon which they are mounted.
- E. Visibility and Glare: Roof-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or right-of-ways at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
- F. Energy Sales: Excess energy generated by roof-mounted solar installations may be sold to utility company and returned to the grid.

### 2.15.2 Ground-Mounted Solar Installations

- A. Height: The maximum height of a ground-mounted solar installation shall be sixteen (16) feet above grade at maximum tilt.
- B. Setbacks: Ground-mounted solar installations shall comply with all district required setbacks.
- C. Placement: Ground-mounted solar installations shall only be allowed in the rear or side yard on a property with an established permitted principal use. Placement in street-facing side yards of corner lots shall be prohibited.

- D. Coverage: The area of the ground-mounted solar installation energy collection system shall count towards the maximum area allowed for accessory buildings on property with a principal use.
- E. Visibility and Glare: Ground-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or right-of-ways at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programmed to prevent positioning at any point that would result in glare directed toward nearby properties or right-of-ways. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
- F. Energy Sales: Excess energy generated by ground-mounted solar installations may be sold to utility company and returned to the grid.

## 2.16 DONATION BINS

Bins designed to solicit donations shall be allowed in any non-residential zoning district as an accessory structure without requiring a zoning permit, subject to the following standards:

- A. Donation bins shall be limited to one (1) per parcel and shall only be allowed in the C and LIW zoning districts.
- B. No illumination shall be used to draw attention to any donation bin.
- C. Donation bins shall be located adjacent to the principal structure on the parcel, but shall not encroach into any required yard setbacks, public right-of-ways or required landscape areas.
- D. The size of all donation bins shall be limited to a height of five (5) feet and a width and depth not to exceed four (4) feet.
- E. All donation bins shall be securely attached to the ground or principal structure to prevent any tipping hazard.

## 2.17 OUTDOOR STORAGE

Storage of materials or goods to be sold at retail or used as services are is prohibited except where allowed in **Article 3**. All allowed outdoor storage must take place in a rear or side yard, screened from view, and be an accessory incidental to the principal use of the parcel.

## 2.18 PUBLIC USES: CRITICAL, ESSENTIAL & SUPPORTING

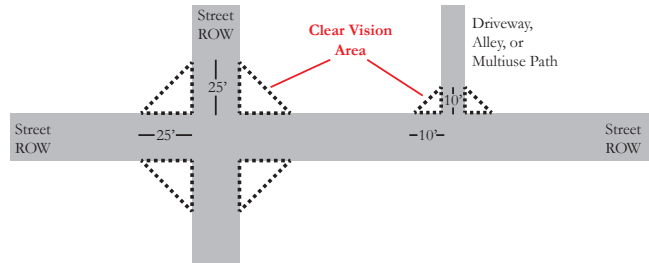
Critical, essential and supporting public uses shall be allowed in any zoning district by right. All applicable laws or other ordinances of the Village shall apply. All structures associated with a public use shall be subject to applicable setbacks for the district in which they are located. Site plan approval and a zoning permit shall be required.

## 2.19 CLEAR VISION AREAS

- A. All streets, multiuse paths, right-of-way easements, alleys or driveways that intersect a street with a posted speed of thirty five (35) mile per hour or greater shall establish a clear vision area in which no plantings, signs, fences or structures shall be installed or maintained between a height of three (3) and ten (10) feet above grade.

B. The clear vision area shall be a triangular area formed at the intersection with any street by a straight line drawn between right-of-way or easement lines at the following distances:

1. Street: Twenty five (25) feet
2. Multiuse Path: Ten (10) feet
3. Driveway: Ten (10) feet
4. Alley: Ten (10) feet



## 2.20 FENCES

All fences shall:

- A. Be no taller than six (6) feet in the side or rear yards in residential districts.
- B. Be no taller than four (4) feet in the front yard of residential districts.
- C. Only be permitted in the side and rear yards of non-residential districts at a maximum height of six (6) feet except as specifically required at a greater height in this Ordinance.
- D. Height shall be measured from the average finished grade between two (2) fence posts and the top of the fence between said posts.
- E. Shall be wholly on the property they are intended to serve.
- F. Be no closer than three (3) feet to an abutting improved alley. Unimproved, undeveloped alleys shall not require a setback for fences. (Amendment 117 of 2023)
- G. Have the finished side of the fence facing outward away from the property.
- H. Be made of durable materials. Fences shall not be made of or include barbed wire, razor wire, electrified materials, or any other dangerous material, pallets, slabwood, or chicken wire in the residential, commercial or mixed use districts. Such material may be allowed in the industrial districts upon approval by the Planning Commission.

## 2.21 REFUSE RECEPTACLES

All trash and refuse stored outdoors shall be placed in a designated container and shall meet the following standards:

- A. Dumpsters shall only be used for residential structures serving more than four (4) dwelling units on a single lot and for non-residential uses. Exception shall be made for temporary dumpsters used for construction projects that have been approved through a zoning permit or building permit, but shall be removed within seven (7) days after the work has been completed
- B. Dumpsters shall be placed on a concrete pad and shall have a concrete approach large enough to accommodate a truck used for emptying the dumpster(s).
- C. All dumpsters shall be screened on all sides with a masonry wall or of materials that match the front facade of the principle structure and shall include an opaque gate.

The screening shall be a minimum of six (6) feet high, but tall enough to completely screen the refuse container. The Planning Commission shall have final determination in approving the screening material.

- D. No refuse receptacle shall be stored in any front yard, yard setback or required landscape areas.

## 2.22 RECREATIONAL VEHICLES & STRUCTURES

The storage of recreational vehicles, except those on a parcel or lot that has been established as an approved storage facility, shall be subject to the following:

- A. Not be parked overnight on any street, alley, highway or public space except as authorized by the Village.
- B. Recreational vehicles shall be registered and display a currently valid state license plate.
- C. Recreational vehicles shall not be connected to water or waste water facilities while located and/or occupied on any parcel or lot.
- D. Recreational vehicles shall not be used for storing materials of any kind other than the furnishings and personal items common to a recreational vehicle, unless the recreational vehicle is specifically designed for storage purposes.
- E. Wheels and tires are not to be removed at any time while located and/or occupied except for the purposes of repair.
- F. Recreational vehicles shall not be elevated, blocked, or stabilized in any manner other than with the jacks designed for that purpose.
- G. Not be used as a temporary dwelling for a period longer than seven (7) days in a thirty (30) day period, and not more than thirty (30) days in a calendar year, subject to the following:
  - 1. Limited to one (1) recreational vehicle located and occupied on a vacant or developed parcel or lot, unless otherwise authorized.
  - 2. Group gatherings with multiple recreational vehicles located and occupied on a vacant or developed parcel or lot shall be allowed up to four (4) times per calendar year, but for not more than seven (7) consecutive days each time and no more than thirty days per calendar year. A zoning permit shall be required for such use.
  - 3. In the event of a medical emergency, repair of a damaged home, or construction of a new home, the Zoning Board of Appeals may allow the temporary usage of a recreational vehicle as a temporary dwelling unit on any parcel or lot for a period not to exceed six (6) consecutive months, or six (6) months in a calendar year. A zoning permit shall be required for such use.
  - 4. Any recreational vehicle not specifically designed as a temporary dwelling unit on land shall be prohibited from being used for such use in the Village.

## 2.23 PERFORMANCE STANDARDS

All activities, in any zoning district, shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light onto neighboring properties, adjacent streets or public right of ways.

## 2.24 REQUIRED WATER SUPPLY & SANITATION FACILITIES

Buildings erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the Village Water and Sewer Department.

## 2.25 POWER GENERATORS

Back-up power generators may be permitted as an accessory structure and shall be subject to the following standards:

- A. Serve as a back-up power generation system only to be operated under emergency situations when power supply is disrupted and for routine maintenance and system checks;
- B. Prohibited from any front yard, side setback, and rear setback;
- C. Not be visible from the public right-of-way without adequate screening that exceeds the height of the generator by at least one (1) foot.
- D. Subject to all applicable Village ordinances, including but not limited to those governing noise.

## 2.26 WOOD BURNING DEVICES

Any wood burning device located outside any building will be permitted only under the following conditions:

- A. A zoning permit must be issued by the Zoning Administrator before any type, model or design of wood burning device is placed or installed on any property.
- B. The minimum lot size where any wood burning device is operational or operating will be two (2) acres in area.
- C. All wood burning devices will comply with the State of Michigan Mechanical Code.
- D. The wood burning device will be located a minimum of fifty (50) feet from any property line.
- E. The wood burning device will not be located within a front yard unless it is located over two hundred (200) feet from the road right-of-way.
- F. The wood burning device will not be located within three hundred (300) feet of any residence on any other property. The wood burning device will not constitute a nuisance to any neighboring property regardless of distance the wood burning device is located from the neighboring property.
  - 1. Nuisance is defined in **Article 12** of this Ordinance.
- G. The height of the chimney of the wood burning device will comply EXACTLY with the manufacturer's recommendation.

## 2.27 SMALL CELL WIRELESS FACILITIES

### 2.27.1 Intent & Purpose

- A. Increase investment in wireless networks that will benefit the citizens of this state by providing better access to emergency services, advanced technology, and information.
- B. Increase investment in wireless networks that will enhance the competitiveness of the region in the global economy.
- C. Encourage the deployment of advanced wireless services by streamlining the process for the permitting, construction, modification, maintenance, and operation of wireless facilities in the public rights-of-way.
- D. Allow wireless services providers and wireless infrastructure providers access to the public rights-of-way.

### 2.27.2 General Provisions

The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this ordinance to the extent exempt from such reviews under Act 365 of 2018, as amended ("Act 365").

- A. Co-location of a small cell wireless facility or installation of an associated support structure shall require that the wireless provider apply for and obtain a permit from the Village consistent with the Code.
- B. No wireless providers shall attach, alter, or modify a Village-owned pole or wireless support structure without entering into a license agreement with the Village.
- C. Small cell wireless facilities and associated support structures non-exempt from zoning reviews are only permitted in accordance with the provisions of this zoning ordinance and Act 365, and upon application for and receipt from the Village of a permit consistent with the Code.
- D. The approval of a small cell wireless facility authorizes the co-location of a small cell wireless facility but does not authorize the installation, placement, modification, or operation of a wireline in the ROW.

### 2.27.3 Exempt Small Cell Wireless Facilities

Small cell wireless facility siting is a permitted use in the ROW in all zoning districts and not subject to zoning regulation if it complies with the following requirements:

- A. The small cell wireless facility will be co-located on an existing wireless communications support structure or wireless communication equipment.
- B. The proposed co-location will shall comply with the following:
  - 1. Not exceed forty (40) feet or increase the overall height of the wireless communication support structure by more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is



collocated.

2. A wireless provider shall comply with design and/or concealment requirements in a commercial zoning district so that the equipment and small cell wireless facility is compatible with the character of its surroundings
3. The size is not to exceed the definition of small cell wireless facility as an enclosure of six (6) cubic feet and associated equipment cumulatively is no more than twenty five (25) cubic feet in volume, per Act 365 of 2018.
4. Enclosure must contain all parts of the equipment and parts of the small cell wireless facility, must be a neutral and uniform color and made of a material that does not conflict with the aesthetics of its surroundings
5. A co-location in a public ROW shall not inhibit other utility installations.
6. Small cell wireless facilities shall not be permitted on any building that is on the National Register of Historic Places pursuant of 47 C.F.R 1.1307(a)(4).

#### **2.27.4 Non-Exempt Small Cell Wireless Facilities; Site Plan Review Process**

Small cell wireless facilities are subject to a site plan review if it does not comply with standards to qualify as an Exempt Small Cell Wireless Facility and shall be subject to all of the following requirements as codified in PA 365 of 2018:

- A. Within thirty (30) days after receiving an application under this section, the Village shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the thirty (30) day period.
- B. The running of the time period tolled under item A (above) resumes when the applicant makes a supplemental submission in response to the Village's notice of incompleteness. If a supplemental submission is inadequate, the Village shall notify the applicant not later than ten (10) days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in item A. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- C. The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Village. If the Village fails to comply with this item (C), the application is considered to be approved subject to the condition that the applicant provide the Planning Commission not less than fifteen (15) days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.
- D. Co-location of small cell wireless facilities shall commence within one (1) year of permit issuance and shall be activated for use no later than one (1) year from the

permit issuance date. Failure to commence collocation within one year of permit issuance shall void said permit. A small cell wireless facility not activated within one (1) year of permit issuance shall be considered abandoned and shall be removed from the public right-of-way at the wireless provider's sole expense.

### 2.27.5 Wireless Communication Equipment

Wireless communication equipment (but not a wireless communication support structure) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communications equipment is not subject to zoning review and approval if all of the following requirements are met pursuant of PA 366 of 2018:

- A. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
- B. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was approved by the appropriate zoning body or official for the Village.
- C. The proposed co-location will not do any of the following, if it does not comply with these requirements, it is subject to the site plan review process:
  - 1. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10%) percent of its original height, whichever is greater;
  - 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location;
  - 3. Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
- D. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the Village.
- E. Notwithstanding the foregoing, wireless communications equipment otherwise exempt must still comply with all other applicable codes including a requirement that the County Building Official determines that the co-location will not adversely impact the structure to which it is attached.
- F. Any equipment placed in a residential district shall not be erected at a height that requires lighting.
- G. Wireless communications equipment that is not attached to an existing structure or becomes unattached due to abandonment, removal, or relocation of an existing structure (thus requiring the installation of a new wireless communications support structure), is subject to site plan review consistent with this Ordinance.

### 2.27.6 Design

Small cell wireless facilities requiring the installation of a new pole or wireless support structure in residential, historic, and downtown districts shall comply with

the following design and concealment standards:

- A. If possible, poles, and wireless support structures shall be designed to accommodate small cell wireless facilities for multiple wireless services providers.
- B. Poles shall be located a minimum of fifteen (15) feet from any tree, measured to the tree-trunk center. Additionally, eighty (80%) percent of the protected root zone shall remain undisturbed. This minimum separation shall not apply for a new pole that replaces an existing pole, where the new pole is installed in the same place as, or immediate vicinity of, the existing pole.
- C. Poles shall be designed pursuant to Village standards or the applicable utility's standard, and function as street light poles, utility poles, or traffic signal poles in consultation with the Village or the applicable utility and shall be incorporated into the applicable utility or signaling system.
- D. Poles shall comply with the following height regulations:
  - 1. In residential districts, poles shall not exceed thirty three (33) feet in height from ground level.
  - 2. In the DMU district, poles shall not exceed ten (10%) percent of an adjacent building or exceed forty (40) feet in height from ground level, whichever is less.
  - 3. In all other districts, poles shall not exceed forty (40) feet in height from ground level.
- E. Poles shall be designed and installed with materials and appearance consistent with existing poles in the adjacent public way, unless materials and appearance are prescribed by other ordinance, law, or Village requirements. Poles shall be aesthetically pleasing, consistent with the local character of the area and shall not detract from the streetscape.
- F. Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than five (5) feet above the top of the pole.
- G. To the extent practicable, all accessory cables and equipment shall be installed within the pole or placed underground as required by this Section.
- H. New utility poles and ground mounted equipment shall be installed at least three hundred (300) feet from any existing or proposed utility pole or ground mounted equipment. Any wireless provider desiring to install poles less than three hundred (300) feet apart shall demonstrate to the Village's satisfaction that the wireless provider could not serve a location without the desired placement.

### 2.27.7 Maintenance

All wireless providers shall repair all damage to the ROW caused by the activities of the wireless provider while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, utility poles, or wireless support structures in the ROW and to return the ROW to its original condition. If the wireless provider fails to make the repairs required by the Village within sixty (60) days after written notice, the Village may make those repairs and charge the wireless provider the reasonable, documented cost of the repairs.

### 2.27.8 Permit Application Process

The applicant shall seek a ROW access permit from the Building Department to co-locate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility will be collocated as required by all ROW users. To obtain this permit, an applicant is subject to all of the following:

- A. An application for a permit is subject to all of the following requirements:
  1. Name of the company and contact information;
  2. Applicant name and contact information;
  3. Map of georeferenced location(s) of where the company is proposing the installation(s) of a supporting structure and/or small cell wireless facility;
  4. Parcel identification number and property ownership for parcels located within seventy (75) feet of the proposed facility;
  5. Distance from the proposed facilities and the nearest property line, roadways, rights-of-way, and utilities within the rights-of-way;
  6. Zone and adjacent zones;
  7. Dimensions of all proposed installations and height on the utility pole or support structure where a small cell wireless facility will be mounted;
  8. For deployments in the DC or residential districts, documentation of compliance with design and location requirements;
  9. An inventory of any existing and approved small cell wireless facilities, poles, and wireless support structures that are within the jurisdiction of the Village;
  10. For all new poles, replacement poles, and wireless support structures, a certification by the wireless provider and a structural analysis sealed by a licensed engineer attesting that the towers and structures will accommodate co-location of additional antennas, including the extent of such collocation space;
  11. For all new poles, replacement poles, and wireless structures, demonstration of compliance with ANSI/TIA 222-G-2 standards;
  12. For all new poles, replacement poles, and wireless support structures, a statement from a licensed engineer why no current existing towers or structures are adequate to provide the services planned with the wireless facility;

ARTICLE 2    General Provisions

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13. Copy of all other permits related to the deployment, including any applicable METRO Act application and permit;
  14. Documentation showing adequate insurance, including the Village named as an additional insured;
  15. A performance bond meeting the requirements of this Section;
  16. Attestation that the small cell wireless facility will be operational for use by a wireless service provider within one year after the permit issuance date;
  17. Site/structure remediation plan for restoring the public ROW after removal of wireless facilities or equipment;
  18. Provide the estimated radius of service the small cell wireless facility will provide;
  19. Material used to enclose small cell wireless facility and associated equipment;
  20. Photo of installations;
  21. Work plans for the amount of time and type of disturbance will be caused to the public ROW;
  22. Certification of compliance with FCC radio frequency emission regulations;
  23. Detailed description of the activities the applicant needs to accomplish:
    - a. Construct a utility pole or support structure;
    - b. Install small cell wireless facility on an existing pole
  24. Any additional information requested by the Village.
- B.** Within twenty five (25) days after receiving an application, the Village Building Department shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the time for approving or denying an application.
- C.** The running of time period tolled resumes when the applicant makes a supplemental submission in response to the Village's notice of incompleteness. If a supplemental submission is inadequate, the Village shall notify the applicant in writing not later than ten (10) days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in site plan review procedures of this Section or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- D.** The Village Building Department may require an applicant to include an attestation that the small cell wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit issuance date, unless the Village Building Department and the applicant agree to extend this period or delay is caused by lack of commercial power or communications transport facilities to the site.

### 2.27.9 Alternative Siting; Decommission

- A. Upon receiving an application to place a new utility pole, the Village Building Department may propose an alternate location within the ROW or on property or structures owned or controlled by the Village within seventy (75) feet of the proposed location to either place the new utility pole or co-locate on an existing structure. The applicant shall use the alternate location if, as determined by the applicant, the applicant has the right to do so on reasonable terms and conditions and the alternate location does not impose unreasonable technical limits or significant additional costs.
- B. Before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, a wireless provider shall notify the Village Building Department in writing. The notice shall specify when and how the wireless provider intends to remove the small cell wireless facility, utility pole, or wireless support structure. If the wireless provider does not complete the removal within forty five (45) days after the discontinuance of use, the Village may complete the removal and assess the costs of removal against the wireless provider's performance bond. If the Village incurs costs that exceed the performance bond, then the wireless provider shall reimburse the Village within thirty (30) days. A permit under this section for a small cell wireless facility expires upon removal of the small cell wireless facility.

### 2.27.10 Basis For Denial Of A Permit

The Village Building Department shall deny a completed application for a proposed co-location of a small cell wireless facility or installation, modification, or replacement of a utility pole that meets the height requirements if the proposed activity would do any of the following:

- A. Materially interfere with the safe operation of traffic control equipment
- B. Materially interfere with sight lines or clear zones for transportation or pedestrians, any small cell wireless facility should be mounted at least ten (10) feet high.
- C. Materially interfere with compliance with the Americans with Disabilities Ordinance of 1990, Public Law 101- 36, or similar federal, state, or local standards regarding pedestrian access or movement.
- D. Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of an authority.
- E. Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.
- F. Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.
- G. Fail to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by ordinance or otherwise that apply to the location of ground-mounted equipment and new utility poles and that do not prevent a wireless provider from serving any location.

- H. Fail to comply with all other applicable codes.
- I. Fail to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a historic district, downtown, or residential district, as specified in an ordinance or otherwise and nondiscriminatory applied to all other occupants of the ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, cable television operators, and the Village.

**2.27.11 Insurance; Bonding**

- A. The wireless provider shall furnish proof of insurance in an amount and form satisfactory to the Village, naming the Village as an additional insured. Such insurance shall cover a period of not less than the term of this permit and shall provide that it cannot be canceled without thirty (30) days advance written notice to the Village.
- B. Before any work under a permit issued pursuant to this Article may commence, a wireless provider shall furnish to the Village a performance bond in the form of an irrevocable bank letter of credit form or surety bond form approved by Village, in the amount of \$1,000.00 per small cell wireless facility included in the application for a permit, to provide for the reasonable costs of removal of abandoned or improperly maintained small cell wireless facility, to repair the ROW, or to recoup unpaid rates or fees.

**2.27.12 Labeling**

A small cell wireless facility for which a permit is issued shall be labeled with the name of the wireless provider, emergency contact telephone number, and information that identifies the small cell wireless facility and its location.

**2.27.13 Appeals**

The applicant may appeal any Village determinations related to this ordinance to the highest elected body of the Village or, the circuit court in the judicial circuit where the Village is located.

**2.28 OUTDOOR SALES & DISPLAYS**

The outdoor display of goods for retail sale shall be allowed as an accessory use to an approved or permitted principal use where good are commonly sold subject to the following standards:

- A. All outdoor displays shall be located within ten (10) feet of the principal structure.
- B. Outdoor display areas located elsewhere on the property shall only be allowed if part of an approved site plan and must be screened from residential uses or districts.
- C. Outdoor displays shall not inhibit safe pedestrian circulation and shall not reduce the unobstructed width of any sidewalk below four (4) feet.
- D. Outdoor displays shall not inhibit vehicle circulation onto or within the site and shall not be located within any off-street parking area. Clear lines of site for pedestrians and vehicles shall not be obstructed by outdoor displays.
- E. Outdoor displays shall not be located within any public rights-of-way unless authorized by the applicable road agency.

- F. Outdoor displays shall not be used as a means of creating additional signage on site.
- G. All outdoor display areas shall be kept clean and orderly and shall not generate trash onto neighboring properties.

### **2.29 Keeping of Livestock**

No person shall keep or maintain livestock similar but not limited to horses, cows, calves, swine, sheep, goats, poultry, bees or beehives, camelidae, and exotic animals in any dwelling or part thereof within the Village limits unless permitted by this Ordinance. Chickens and ducks shall be permitted with license per Chapter 35.300.



## ARTICLE 3

# Zoning Map & Districts

# 3

- 3.1. Zoning Map
- 3.2. Zoning District Regulations
- 3.3. VR: Village Residential District
- 3.4. FR: Flexible Residential District
- 3.5. NMU: Neighborhood Mixed Use District
- 3.6. DMU: Downtown Mixed Use District
- 3.7. C: Commercial District
- 3.8. LIW: Light Industrial & Warehousing District
- 3.9. PSP: Public / Semi-Public District

### 3.1 ZONING MAP

The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated the "Official Zoning Map". The Official Zoning Map including all notations, references, data and other information shown therein, is adopted and made a part of this Ordinance as fully as if it were contained within the pages of this Ordinance.

#### 3.1.1 Location

The Official Zoning Map is filed in the office of the Village Clerk.

#### 3.1.2 Updates

The Village Council may adopt amendments to the district boundaries designated on the Official Zoning Map upon review and recommendation by the Village of Mancelona Planning Commission.

#### 3.1.3 Zoning Districts Established

For the purpose of this Ordinance, the Village is hereby divided into the following Districts:

- VR: Village Residential District
- FR: Flexible Residential District
- NMU: Neighborhood Mixed Use District
- DMU: Downtown Mixed Use District
- C: Commercial District
- LIW: Light Industrial & Warehousing District
- PSP: Public / Semi-Public District

#### 3.1.4 Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

- A. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.
- C. Whenever any street, road, alley, place or other public way is officially vacated by the Village or Antrim County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and

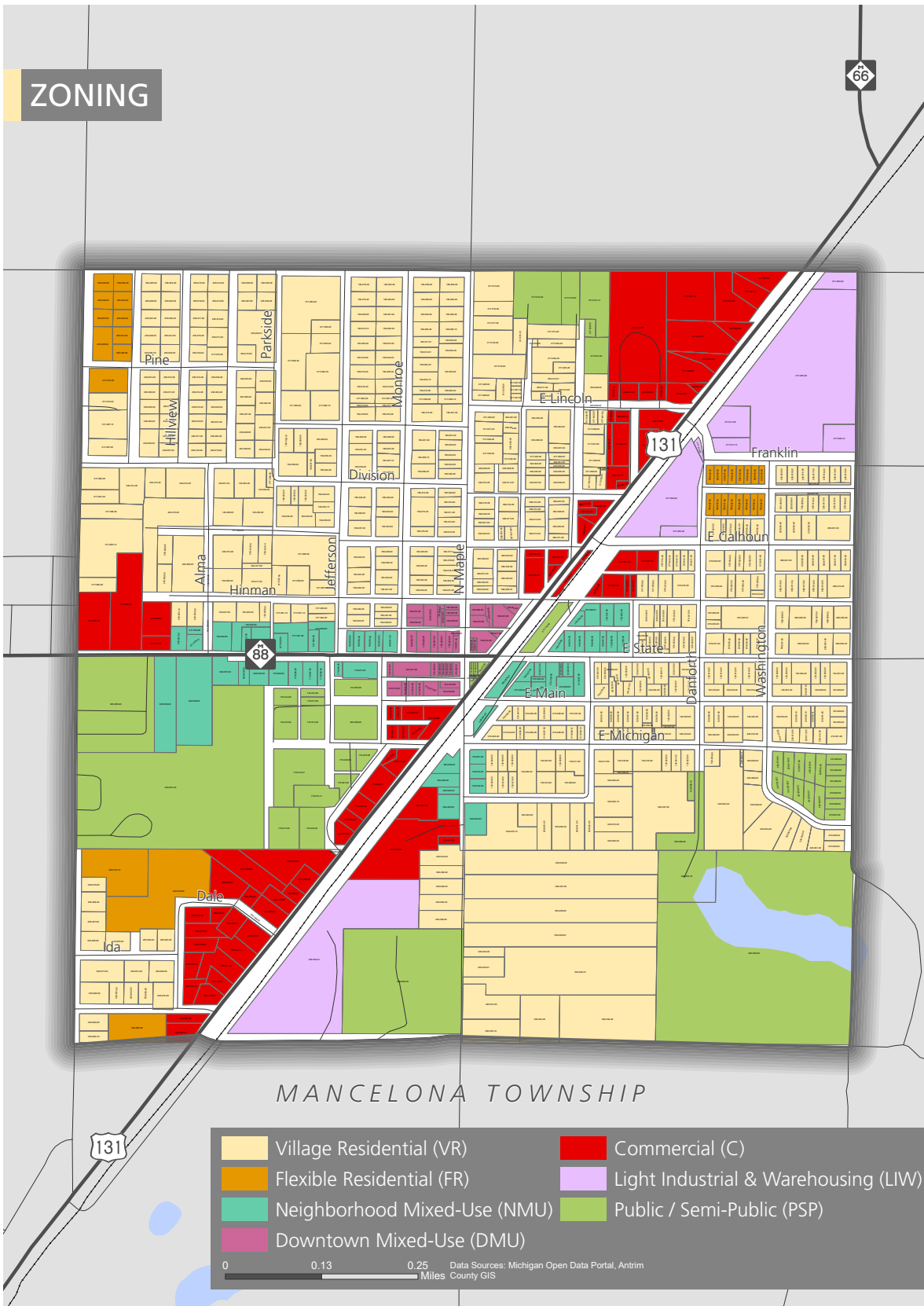
### ARTICLE 3 Zoning Map & Districts

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all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.

- D. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "A" through "C" above, the Zoning Administrator shall provide an opinion of the boundaries.
- E. Any dispute in the opinion of the zoning district boundaries from the Zoning Administrator shall be heard by the Zoning Board of Appeals for a final determination.

3.1.5 Official Zoning Map



Revised 09.28.2023

## 3.2 ZONING DISTRICT REGULATIONS

### 3.2.1 Overview

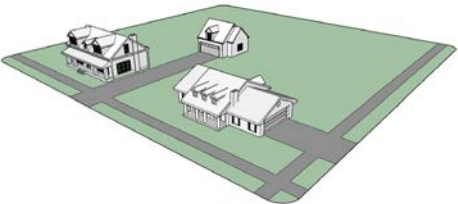


The following Sections regulate the uses, dimensional standards, principal building form, landscaping, screening, and off-street parking design. Additional standards related to these items exist throughout the Ordinance and are in effect as applicable.

### 3.2.2 Determinations Of Use

If a proposed use is not clearly listed or identified in the Regulated Uses Tables, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.

### 3.2.3 Principal Building Types

The following building types have been established to regulate form within each zoning district:

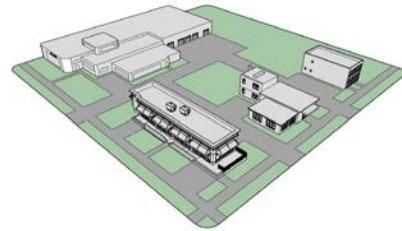
PRINCIPAL BUILDING TYPES	
<p><b>Detached House:</b> A detached house is intended to serve a single family unit on a single lot, or divided to provide dwellings for two or three family units within the structure. Multiple detached houses may be permitted on a single lot under certain development options. Existing detached houses in commercial and mixed use districts may be used for commercial uses.</p>	
<p><b>Rowhouse:</b> A rowhouse is a series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof. Rowhouses are intended to provide two (2) or more dwelling units per lot with each being occupied by a separate family unit. Rowhouses may be developed as a site condominium where each unit is on a separate lot under separate ownership.</p>	
<p><b>Stacked Flat:</b> A stacked flat is a series of dwelling units stacked vertically. Dwelling units may occupy more than one floor of the building, but only one dwelling unit may occupy any single floor. Stacked flats are intended to provide two (2) or more dwelling units per lot with each being occupied by a separate family unit. Stacked flats may be developed as a site condominium where each unit is under separate ownership.</p>	

PRINCIPAL BUILDING TYPES

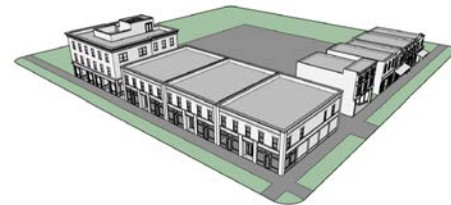
**Apartment Building:** An apartment building has a combination of separate dwelling units arranged horizontally next to each other and stacked vertically upon each other. Apartment buildings are intended to provide three (3) or more dwelling units per lot with each being occupied by a separate family unit. Apartment buildings may be developed as a site condominium where each unit is under separate ownership.



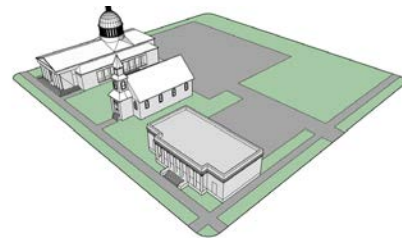
**Commercial Building:** A commercial building is intended for commercial, office, or industrial use. Commercial buildings may be occupied by more than one (1) tenant.



**Mixed Use Building:** A mixed use building is intended to accommodate retail and service uses on the first floor with additional uses on the upper floors. Residential use is limited to the upper floors or the rear of the first floor to preserve commercial space along the street level.

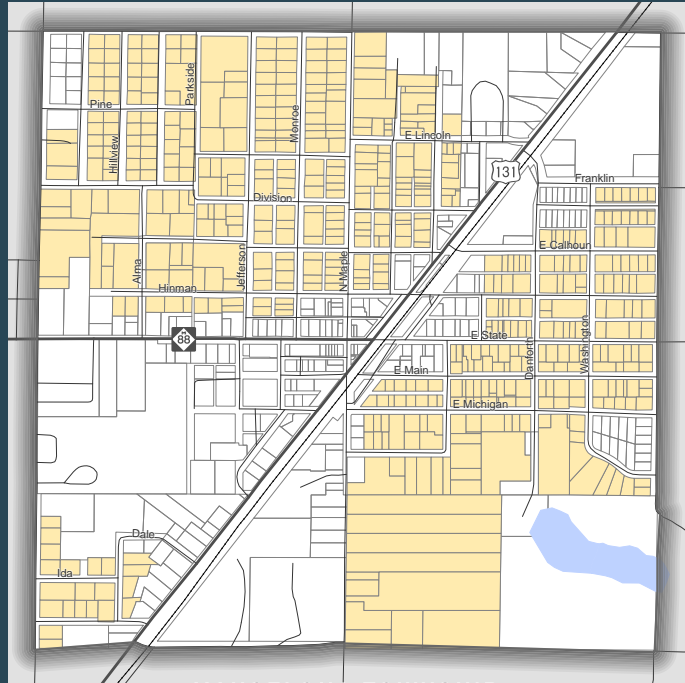


**Public / Semi-Public Building:** A public / semi-public building is intended to accommodate public and civic uses and non-profit uses serving the public such as residential services and religious and educational institutions in residential and non-residential uses. Uses other than civic and non-profit uses may be allowed in public / semi-public buildings in non-residential districts.



# VR

## VILLAGE RESIDENTIAL DISTRICT



### 3.3 VR: VILLAGE RESIDENTIAL DISTRICT

#### 3.3.1 Intent & Purpose

The Village Residential (VR) District is intended to provide a stable, low-density environment for residential development. Although predominately in the form of single family detached dwelling units, duplexes and accessory dwelling units may be considered appropriate where developed in the scale and character of the neighborhood and adequate services or site area are available to accommodate water and sanitary sewage needs. Accessory uses customary to residential uses are included in the intent of this district.



### 3.3.2 Regulated Uses

VR: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
<b>Residential Uses</b>			
1 family detached dwellings	By Right	---	---
2 family attached dwellings	By Right	---	---
Accessory Dwelling Units	By Right	§6.2	1 / accessory dwelling unit
Boarding Rooms	By Right	§6.8	1.5 / boarding room
Bed & Breakfast Inns	By Right	§6.7	1 / guest bedroom
Home Occupations	By Right	§6.14	---
Assisted Living Facilities	By Right	---	0.25 / dwelling unit + 1 per employee
Adult Day Care Homes	By Right	---	0.25 / guest
Adult Foster Care Family Homes	By Right	---	0.5 / 1 bed
Adult Foster Care Small Group Homes	By Right	---	0.5 / 1 bed
Family Child Care Homes	By Right	---	1 / 3 children
Group Child Care Homes	By Right	---	1 / 3 children
Foster Family Homes	By Right	---	2 / establishment
Foster Family Group Homes	By Right	---	0.5 / 1 bed
<b>Public / Semi-Public Uses</b>			
Public Use – Critical	By Right	§2.18	---
Public Use – Essential	By Right	§2.18	---
Public Use – Supporting	By Right	§2.18	---
Religious Institutions	By Right	---	0.25 / 1 occupancy
Cemeteries	By Right	---	0.25 / 1 occupancy
<b>Commercial Uses</b>			
Assembly Facility – Accessory Use	By Right	---	0.25 / 1 occupancy
<b>Transportation &amp; Utility Uses</b>			
Off-site Public or Private Parking	Special Use	§6.16	---
Small Cell Wireless Facilities	By Right	§2.27	---
<b>Industrial Uses</b>			
Extractive Industries	Special Use	§6.13	1 / employee

### 3.3.3 Dimensional Standards & Building Form

VR: DIMENSIONAL STANDARDS & BUILDING FORM	
<b>Lot Occupation</b>	
Minimum Lot Width	50 feet
Minimum Lot Area	5,000 square feet
Base Density	8.71 dwelling units / acre
Maximum Lot Coverage	50%
Maximum Impervious Coverage	65%
<b>Principal Structures</b>	
Front Setback	10 feet



ARTICLE 3 Zoning Map & Districts

VR: DIMENSIONAL STANDARDS & BUILDING FORM	
Side Setback	5 feet
Corner Lot Side Setback	10 feet
Rear Setback	15 feet
Maximum Height	2 stories / 30 feet
Maximum 1 <sup>st</sup> Floor Elevation	4 feet above grade
Minimum Ground Floor Area	500 square feet
Minimum Floor Area / Unit	---
Principal Building Forms	
<ul style="list-style-type: none"> <li>• Detached House</li> </ul>	<ul style="list-style-type: none"> <li>• Public / Semi-Public Building</li> </ul>
Accessory Structures	
Permitted Locations	Rear & side yard only
Front Setback	---
Side Setback	5 feet
Corner Lot Side Setback	10 feet
Rear Setback	5 feet
Maximum Height	2 stories / 25 feet
Maximum Ground Floor Elevation	6 inches
Maximum Number	2 per lot
Maximum Ground Floor Area (cumulative)	≤ Principal Structure

3.3.4 Landscaping & Fencing

VR: LANDSCAPING & FENCING		
Item	Residential Use (1-2 du's)	All Other Uses
Lot Landscaping	Minimum 1 tree per lot for new development	There shall be a minimum four (4) foot wide vegetative strip around the primary building. Such strip shall be planted with a mixture of ground cover, ornamental trees, plants, and shrubs.
Right-Of-Way Landscaping	---	1 tree and 6 shrubs per 30 lineal feet of ROW
Screening & Buffering	---	Side & rear property lines adjacent to residential zoning district or use: greenbelt (min. 10 feet wide), vegetated screen (min. 6 feet high) or combination of either
Front Yard Fences	Maximum height of 4 feet	Maximum height of 4 feet
Rear & Side Yard Fences	Maximum height of 6 feet	Maximum height of 6 feet

*Notes: Additional landscape standards located in Article 5; Additional fencing standards located in Article 2*

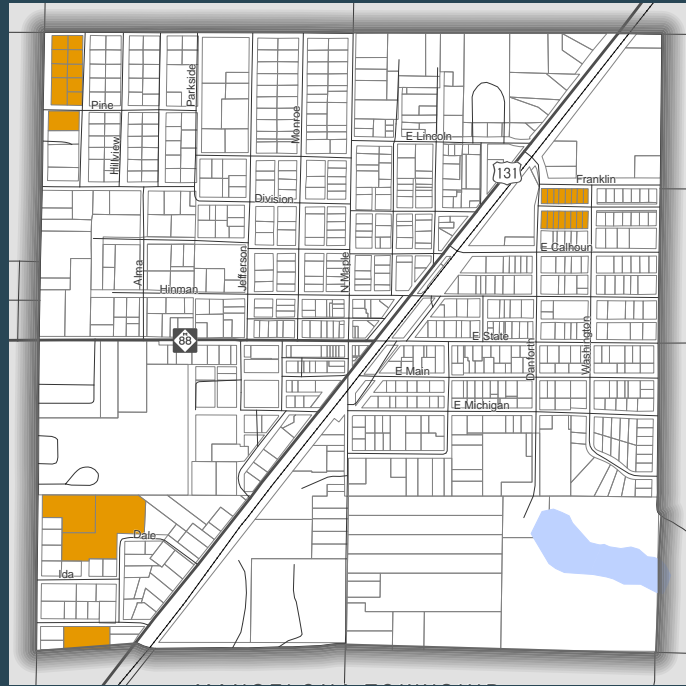
3.3.5 Off-Street Parking & Loading Standards

VR: OFF-STREET PARKING & LOADING STANDARDS			
Item		Residential Uses (1-2 du's)	All Other Uses
Off-Street Parking Lots	Location	Front, side or rear yard	Side or rear yard only
	Front Setback	5 feet	5 feet from front façade
	Side Setback	3 feet	5 feet
	Corner Lot, Side Street Setback	5 feet	5 feet from side façade
	Rear Setback	10 feet	10 feet
	Screening	---	Screened from all residential zoning districts or uses and right-of-ways with a decorative masonry wall or vegetation at a minimum height of 3 feet
	Tree Islands	---	1 tree island at the end of each single parking row, plus 1 tree island per 10 parking spaces
	Bicycle Parking	---	2 spaces per use, plus 1 per 10 parking spaces
Loading Zones	Location	---	Side or rear yard only
	Screening	---	Must be screened from all residential zoning districts or uses and right-of-ways
	Loading spaces	---	1 per 20,000 square feet of gross floor area if use regularly receives deliveries or pick ups

*Notes: Additional parking standards located in Article 5*

# FR

## FLEXIBLE RESIDENTIAL DISTRICT



### 3.4 FR: FLEXIBLE RESIDENTIAL DISTRICT

#### 3.4.1 Intent & Purpose

The Flexible Residential (FR) District is intended to provide a location of diverse housing options that include compact single family homes, duplexes, rowhouses, stacked flats, manufactured homes on individual lots and developments. The district will serve as an appropriate transition between more intense commercial and industrial uses, and the lower density Village Residential District, while still being integrated through cohesive circulation patterns in the form of residential streets and sidewalks. Due to the higher density permitted in this district, access to municipal sewer and water may be required.



3.4.2 Regulated Uses

FR: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
<b>Residential Uses</b>			
1 family detached dwellings	By Right	---	---
2 family attached dwellings	By Right	---	---
3 or more attached dwellings	By Right	---	1.5 / dwelling unit
Bungalow / Cottage Courts	By Right	§6.9	2.25 / dwelling unit
Accessory Dwelling Units	By Right	§6.2	1 / accessory dwelling unit
Manufactured Homes	By Right	---	---
Manufactured Home Developments	Special Use	§9.2	2 / lot + 1 / 5 lots for guest parking
Boarding Rooms	By Right	§6.8	1.5 / boarding room
Home Occupations	By Right	§6.14	---
Assisted Living Facilities	By Right	---	0.25 / dwelling unit + 1 per employee
Adult Day Care Homes	By Right	---	0.25 / guest
Adult Foster Care Family Homes	By Right	---	0.5 / 1 bed
Adult Foster Care Small Group Homes	By Right	---	0.5 / 1 bed
Adult Foster Care Large Group Homes	By Right	---	0.5 / 1 bed
Family Child Care Homes	By Right	---	1 / 3 children
Group Child Care Homes	By Right	---	1 / 3 children
Foster Family Homes	By Right	---	2 / establishment
Foster Family Group Homes	By Right	---	0.5 / 1 bed
<b>Public / Semi-Public Uses</b>			
Public Use – Critical	By Right	§2.18	---
Public Use – Essential	By Right	§2.18	---
Public Use – Supporting	By Right	§2.18	---
Religious Institutions	By Right	---	0.25 / 1 occupancy
Cemeteries	By Right	---	0.25 / 1 occupancy
<b>Commercial Uses</b>			
Assembly Facility – Accessory Use	By Right	---	0.25 / 1 occupancy
<b>Transportation &amp; Utility Uses</b>			
Off-site Public or Private Parking	Special Use	§6.16	---
Small Cell Wireless Facilities	By Right	§2.27	---
<b>Industrial Uses</b>			
Extractive Industries	Special Use	§6.13	1 / employee

### 3.4.3 Dimensional Standards & Building Form

FR: DIMENSIONAL STANDARDS & BUILDING FORM	
<b>Lot Occupation</b>	
Minimum Lot Width	50 feet
Minimum Lot Area	5,000 square feet + 1,500 square feet for each additional dwelling unit above 2
Base Density	27.71 dwelling units / acre
Maximum Lot Coverage	60%
Maximum Impervious Coverage	75%
<b>Principal Structures</b>	
Front Setback	10 feet
Side Setback	5 feet
Corner Lot Side Setback	10 feet
Rear Setback	15 feet
Maximum Height	3 stories / 40 feet
Maximum 1 <sup>st</sup> Floor Elevation	4 feet above grade
Minimum Ground Floor Area	500 square feet
Minimum Floor Area / Unit	400 square feet
<b>Principal Building Forms</b>	
<ul style="list-style-type: none"> <li>• Detached House</li> <li>• Rowhouse</li> <li>• Stacked Flat</li> </ul>	<ul style="list-style-type: none"> <li>• Apartment Building</li> <li>• Public / Semi-Public Building</li> </ul>
<b>Accessory Structures</b>	
Permitted Locations	Rear & side yard only
Front Setback	---
Side Setback	5 feet
Corner Lot Side Setback	10 feet
Rear Setback	5 feet
Maximum Height	2 stories / 25 feet
Maximum Ground Floor Elevation	6 inches
Maximum Number	1 per unit
Maximum Ground Floor Area (cumulative)	≤ Principal Structure

### 3.4.4 Landscaping & Fencing Standards

FR: LANDSCAPING & FENCING		
Item	Residential Use (1-2 du's)	All Other Uses
Lot Landscaping	Minimum 1 tree per lot for new development	There shall be a minimum four (4) foot wide vegetative strip around the primary building. Such strip shall be planted with a mixture of ground cover, ornamental trees, plants, and shrubs.

ARTICLE 3 Zoning Map & Districts

FR: LANDSCAPING & FENCING		
Right-Of-Way Landscaping	---	1 tree and 6 shrubs per 30 lineal feet of ROW
Screening & Buffering	---	Side & rear property lines adjacent to residential zoning district or use: greenbelt (min. 10 feet wide), vegetated screen (min. 6 feet high) or combination of either
Front Yard Fences	Maximum height of 4 feet	Maximum height of 4 feet
Rear & Side Yard Fences	Maximum height of 6 feet	Maximum height of 6 feet

*Notes: Additional landscape standards located in Article 5; Additional fencing standards located in Article 2*

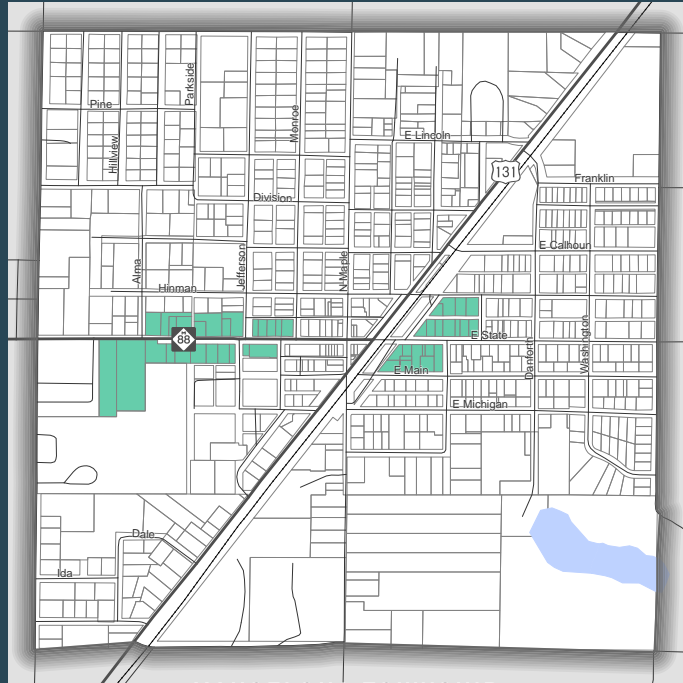
3.4.5 Off-Street Parking & Loading Standards

FR: OFF-STREET PARKING & LOADING STANDARDS			
Item		Residential Uses (1-2 du's)	All Other Uses
Off-Street Parking Lots	Location	Front, side or rear yard	Side or rear yard only
	Front Setback	5 feet	5 feet from front façade
	Side Setback	3 feet	5 feet
	Corner Lot, Side Street Setback	5 feet	5 feet from side façade
	Rear Setback	10 feet	10 feet
	Screening	---	Screened from all residential zoning districts or uses and right-of-ways with a decorative masonry wall or vegetation at a minimum height of 3 feet
	Tree Islands	---	1 tree island at the end of each single parking row, plus 1 tree island per 10 parking spaces
	Bicycle Parking	---	2 spaces per use, plus 1 per 10 parking spaces for non-residential use or 1 per 5 dwelling units for residential uses
Loading Zones	Location	---	Side or rear yard only
	Screening	---	Must be screened from all residential zoning districts or uses and right-of-ways
	Loading spaces	---	1 per 20,000 square feet of gross floor area if use regularly receives deliveries or pick ups

*Notes: Additional parking standards located in Article 5*

# NMU

## NEIGHBORHOOD MIXED USE DISTRICT



### 3.5 NMU: NEIGHBORHOOD MIXED USE DISTRICT

#### 3.5.1 Intent & Purpose

The Neighborhood Mixed Use (NMU) District is intended to permit flexibility in land use and development by allowing the combination of commercial, public / semi-public, and residential uses at a neighborhood scale. These sites are located along major roads where frontage may have commercial potential. Because of the variety of business types permitted in the Neighborhood Mixed Use district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, developments should be compatible in design with adjacent development, and buffered or screened from existing low density residential areas.



ARTICLE 3 Zoning Map & Districts

3.5.2 Regulated Uses

NMU: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
<b>Residential Uses</b>			
1 family detached dwellings	By Right	---	---
2 family attached dwellings	By Right	---	---
3 or more attached dwellings	By Right	---	1.5 / dwelling unit
Accessory Dwelling Units	By Right	§6.2	1 / accessory dwelling unit
Boarding Rooms	By Right	§6.8	1.5 / boarding room
Bed & Breakfast Inns	By Right	§6.7	1 / guest bedroom
Live / Work Units	By Right	---	3 / unit
Dwelling Units Above 1 <sup>st</sup> Floor Commercial	By Right	---	2 / dwelling unit
Home Occupations	By Right	§6.14	---
Assisted Living Facilities	By Right	---	0.25 / dwelling unit + 1 per employee
Adult Day Care Homes	By Right	---	0.25 / guest
Adult Foster Care Family Homes	By Right	---	0.5 / 1 bed
Adult Foster Care Small Group Homes	By Right	---	0.5 / 1 bed
Adult Foster Care Large Group Homes	By Right	---	0.5 / 1 bed
Family Child Care Homes	By Right	---	1 / 3 children
Group Child Care Homes	By Right	---	1 / 3 children
Foster Family Homes	By Right	---	2 / establishment
Foster Family Group Homes	By Right	---	0.5 / 1 bed
Nursing & Convalescent Homes	By Right	---	0.5 / 1 bed
Senior Living Facilities	By Right	---	0.5 / 1 bed
<b>Public / Semi-Public Uses</b>			
Public Use – Critical	By Right	§2.18	---
Public Use – Essential	By Right	§2.18	---
Public Use – Supporting	By Right	§2.18	---
Religious Institutions	By Right	---	0.25 / 1 occupancy
Cemeteries	By Right	---	0.25 / 1 occupancy
Cultural Institutions	By Right	---	0.25 / 1 occupancy
<b>Commercial Uses</b>			
Adult Day Care Facilities	By Right	---	0.25 / guest + 1 per employee
Assembly Facility – Accessory Use	By Right	---	0.25 / 1 occupancy
Assembly Facility – Principal Use	By Right	---	0.25 / 1 occupancy
Bars, Taverns, Lounges	By Right	---	1 / 3 occupancy
Business Services	By Right	---	1 / 200 square feet
Catering Services	By Right	---	1 / employee + 1 per business vehicle + 1 200 square feet
Child Care Center	By Right	---	1 / employee + 1 / 10 children
Financial Services	By Right	---	1 / 150 square feet
Health Care Services	By Right	---	4 / exam room
Microbreweries	By Right	---	1 / 3 occupancy
Personal Services	By Right	---	1 / 150 square feet



**ARTICLE 3 Zoning Map & Districts**

NMU: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
Professional Services	By Right	---	4 / 1,000 square feet
Recreational Facilities	By Right	---	1 / 3 occupancy
Retail Sales Establishment – General	By Right	---	3 / 1,000 square feet
Retail Sales Establishment – Food & Beverage	By Right	---	3 / 1,000 square feet
Retail Sales Establishment – Products Produced On-site	By Right	---	3 / 1,000 square feet of sales area
Restaurants	By Right	---	1 / 3 occupancy
Small Distilleries	By Right	---	1 / 3 occupancy
Small Wineries	By Right	---	1 / 3 occupancy
Tasting Rooms	By Right	---	1 / 3 occupancy
Theaters	By Right	---	0.25 / 1 occupancy
Veterinary Clinics	By Right	---	2.5 / employee
<b>Transportation &amp; Utility Uses</b>			
Off-site Public or Private Parking	Special Use	\$6.16	---
Small Cell Wireless Facilities	By Right	\$2.27	---
<b>Industrial Uses</b>			
Extractive Industries	Special Use	\$6.13	1 / employee
Recycling Collection Stations	By Right	---	---

**3.5.3 Dimensional Standards & Building Form**

<b>NMU: DIMENSIONAL STANDARDS &amp; BUILDING FORM</b>	
<b>Lot Occupation</b>	
Minimum Lot Width	50 feet
Minimum Lot Area	5,000 square feet
Base Density	12 dwelling units / acre
Maximum Lot Coverage	70%
Maximum Impervious Coverage	90%
<b>Principal Structures</b>	
Front Build-To-Line	5 - 10 feet
Side Setback	Adjacent to NMU or DMU zoned properties: 0 feet Adjacent to VR, FR, or PSP zoned properties: 5 feet
Corner Lot Side Setback Build-To-Line	5 - 10 feet
Rear Setback	5 feet
Maximum Height	3 stories / 40 feet
Minimum 1 <sup>st</sup> Floor Ceiling Height	12 feet
Minimum Upper Story Ceiling Height	9 feet
Maximum 1 <sup>st</sup> Floor Elevation	3 feet above grade
Minimum Ground Floor Area	---
Minimum Floor Area / Unit	400 square feet

**ARTICLE 3 Zoning Map & Districts**

NMU: DIMENSIONAL STANDARDS & BUILDING FORM	
Minimum Front Façade As Percent of Lot Width	65% (not applicable to residential uses ≤ 2 dwelling units). A 3-foot masonry wall setback 5 feet from the build-to-line may be used to meet this standard.
Minimum Side Street Façade As Percent of Lot Depth	50% (not applicable to residential uses ≤ 2 dwelling units). A 3-foot masonry wall setback 5 feet from the build-to-line may be used to meet this standard.
Uses Allowed On 1 <sup>st</sup> Floor	Commercial; Residential in the rear 50% of floor
Principal Building Forms	
<ul style="list-style-type: none"> <li>• Detached House</li> <li>• Rowhouse</li> <li>• Stacked Flat</li> </ul>	<ul style="list-style-type: none"> <li>• Apartment Building</li> <li>• Mixed Use Building</li> <li>• Public / Semi-Public Building</li> </ul>
Accessory Structures	
Permitted Locations	Rear yard only
Front Setback	---
Side Setback	5 feet
Corner Lot Side Setback	Equal to principal building
Rear Setback	5 feet
Maximum Height	2 stories / 25 feet
Maximum Ground Floor Elevation	6 inches
Maximum Number	1 per lot
Maximum Ground Floor Area (cumulative)	≤ 25% of principal building

**3.5.4 Landscaping & Fencing**

NMU: LANDSCAPING & FENCING		
Item	Residential Use (1-2 du's)	All Other Uses
Lot Landscaping	Minimum 1 tree per lot for new development	There shall be a minimum four (4) foot wide vegetative strip around the primary building. Such strip shall be planted with a mixture of ground cover, ornamental trees, plants, and shrubs.
Right-Of-Way Landscaping	1 tree and 6 shrubs per 30 lineal feet of ROW	1 tree and 6 shrubs per 30 lineal feet of ROW
Screening & Buffering	---	Side & rear property lines adjacent to residential zoning district or use: vegetated screen, obscuring wall/ fence, berm or combination thereof at a minimum height of 6 feet
Front Yard Fences	---	---
Rear & Side Yard Fences	Maximum height of 6 feet	Maximum height of 6 feet

*Notes: Additional landscape standards located in Article 5; Additional fencing standards located in Article 2*

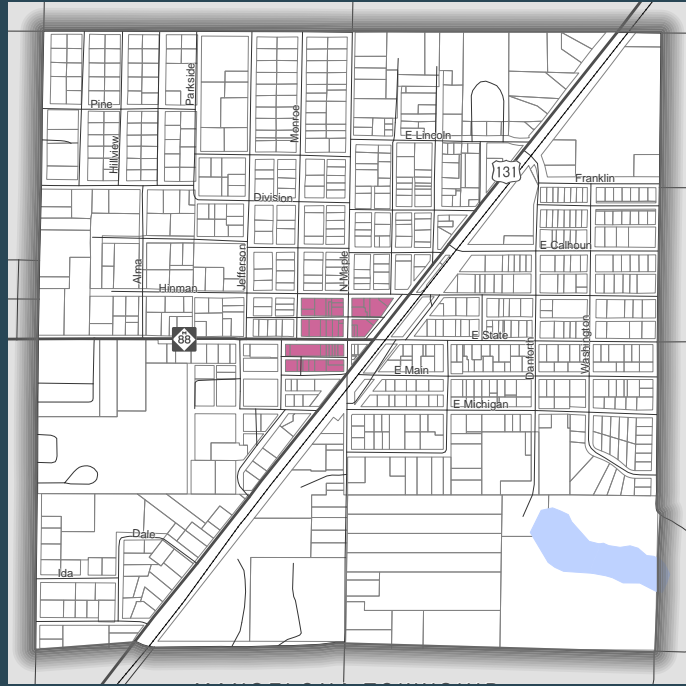
3.5.5 Off-Street Parking & Loading Standards

NMU: OFF-STREET PARKING & LOADING STANDARDS			
Item		Residential Uses (1-2 du's)	All Other Uses
Off-Street Parking Lots	Location	Side or rear yard only	Side or rear yard only
	Front Setback	No closer than principal building	5 feet from front façade
	Side Setback	Adjacent to NMU or DMU zoned properties: 0 feet Adjacent to VR, FR, or PSP zoned properties: 5 feet	Adjacent to NMU or DMU zoned properties: 0 feet Adjacent to VR, FR, or PSP zoned properties: 5 feet
	Corner Lot, Side Street Setback	No closer than principal building	5 feet from side façade
	Rear Setback	10 feet	Adjacent to NMU or DMU zoned properties: 0 feet Adjacent to VR, FR, or PSP zoned properties: 5 feet
	Screening	---	Screened from all residential zoning districts or uses and right-of-ways with a decorative masonry wall or vegetation at a minimum height of 3 feet
	Tree Islands	---	1 tree island per 10 parking spaces
	Bicycle Parking	---	2 spaces per use, plus 1 per 10 parking spaces or 1 per 3 dwelling units
Loading Zones	Location	---	Rear yard only
	Screening	---	Must be screened from all residential zoning districts or uses and right-of-ways
	Loading spaces	---	1 per 20,000 square feet of gross floor area if use regularly receives deliveries or pick ups

*Notes: Additional parking standards located in Article 5*

# DMU

## DOWNTOWN MIXED USE DISTRICT



### 3.6 DMU: DOWNTOWN MIXED USE DISTRICT

#### 3.6.1 Intent & Purpose

The purpose of the Downtown Mixed Use (DMU) District is to serve as the central anchor of the Village that accommodates a compact mixture of land uses in an integrated fashion which reflect historical development patterns and encourage pedestrian activity. A variety of commercial uses will allow the convenient transaction of goods and services, but also serve as a desirable gathering place for social interaction. This district is intended to be supported by on-street and shared parking lots. It is also its intent to encourage residential and other compatible uses on upper stories of buildings with retail and service uses at street level.



ARTICLE 3 Zoning Map & Districts

3.6.2 Regulated Uses

DMU: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
<b>Residential Uses</b>			
Live / Work Units	By Right	---	3 / unit
Dwelling Units Above 1 <sup>st</sup> Floor Commercial	By Right	---	2 / dwelling unit
Home Occupations	By Right	§6.14	---
<b>Public / Semi-Public Uses</b>			
Public Use – Critical	By Right	§2.18	---
Public Use – Essential	By Right	§2.18	---
Public Use – Supporting	By Right	§2.18	---
Religious Institutions	By Right	---	0.25 / 1 occupancy
Cultural Institutions	By Right	---	0.25 / 1 occupancy
<b>Commercial Uses</b>			
Assembly Facility – Accessory Use	By Right	---	0.25 / 1 occupancy
Assembly Facility – Principal Use	By Right	---	0.25 / 1 occupancy
Bars, Taverns, Lounges	By Right	---	1 / 3 occupancy
Business Services	By Right	---	1 / 200 square feet
Financial Services	By Right	---	1 / 150 square feet
Health Care Services	By Right	---	4 / exam room
Microbreweries	By Right	---	1 / 3 occupancy
Personal Services	By Right	---	1 / 150 square feet
Professional Services	By Right	---	4 / 1,000 square feet
Recreational Facilities	By Right	---	1 / 3 occupancy
Retail Sales Establishment – General	By Right	---	3 / 1,000 square feet
Retail Sales Establishment – Food & Beverage	By Right	---	3 / 1,000 square feet
Retail Sales Establishment – Products Produced On-site	By Right	---	3 / 1,000 square feet of sales area
Restaurants	By Right	---	1 / 3 occupancy
Small Distilleries	By Right	---	1 / 3 occupancy
Small Wineries	By Right	---	1 / 3 occupancy
Tasting Rooms	By Right	---	1 / 3 occupancy
Theaters	By Right	---	0.25 / 1 occupancy
Veterinary Clinics	By Right	---	2.5 / employee
<b>Transportation &amp; Utility Uses</b>			
Off-site Public or Private Parking	Special Use	§6.16	---
Small Cell Wireless Facilities	By Right	§2.27	---
<b>Industrial Uses</b>			
Extractive Industries	Special Use	§6.13	1 / employee

3.6.3 Dimensional Standards & Building Form

DMU: DIMENSIONAL STANDARDS & BUILDING FORM	
<b>Lot Occupation</b>	
Minimum Lot Width	25 feet
Minimum Lot Area	3,000 square feet
Base Density	16 dwelling units / acre
Maximum Lot Coverage	80%
Maximum Impervious Coverage	100%
<b>Principal Structures</b>	
Front Build-To-Line	0 feet
Side Setback	Adjacent to NMU or DMU zoned properties: 0 feet Adjacent to VR, FR, or PSP zoned properties: 5 feet
Corner Lot Side Setback Build-To-Line	0 feet
Rear Setback	5 feet
Maximum Height	4 stories / 50 feet
Minimum 1 <sup>st</sup> Floor Ceiling Height	15 feet
Minimum Upper Story Ceiling Height	10 feet
Maximum 1 <sup>st</sup> Floor Elevation	6 inches above grade
Minimum Ground Floor Area	---
Minimum Floor Area / Unit	300 square feet
Minimum Front Façade As Percent of Lot Width	80%. A 3-foot masonry wall setback 5 feet from the build-to-line may be used to meet this standard.
Minimum Side Street Façade As Percent of Lot Depth	50%. A 3-foot masonry wall setback 5 feet from the build-to-line may be used to meet this standard.
Uses Allowed On 1 <sup>st</sup> Floor	Commercial; Residential in the rear 50% of floor - must maintain minimum front 50% for commercial use
Uses Allowed on Upper Floors	Commercial & Residential
<b>Principal Building Forms</b>	
<ul style="list-style-type: none"> <li>• <b>Mixed Use Building</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Public / Semi-Public Building</b></li> </ul>
<b>Accessory Structures</b>	
Permitted Locations	Rear yard only
Front Setback	---
Side Setback	5 feet
Corner Lot Side Setback	5 feet
Rear Setback	0 feet
Maximum Height	2 stories / 25 feet
Maximum Ground Floor Elevation	6 inches
Maximum Number	1 per lot
Maximum Ground Floor Area (cumulative)	≤ 25% of principal building

### 3.6.4 Development Standards

#### DMU: DEVELOPMENT STANDARDS

##### GENERAL STANDARDS

##### Intent & Purpose

The shape, placement, design, and quality of the built environment (building design, placement, and composition) are important elements in reinforcing a comfortable, human-scale environment, maintaining the Village's attractiveness and economic vitality, equity in access, and providing a unique sense of place in the Village. Accordingly, the standards in this Subsection are intended to:

- A. Maintain the visual environment of the Village, protect the general welfare, and ensure that the Village's property values, appearance, character, and economic well-being are preserved through minimum design and appearance standards.
- B. Encourage creativity, imagination, innovation, and variety in architectural design and building composition.
- C. Preserve the unique heritage, history, and architectural character of existing buildings in downtown Mancelona as these buildings are renovated and re-used, and as changes and improvements are made.
- D. Reinforce and support a healthy, pedestrian-oriented development pattern in the Village's business districts through minimum facade transparency requirements, complementary and appropriate use of scale, massing, and architectural details.
- E. Minimum standards for the use of exterior building facade materials are established in this Ordinance for the purposes of promoting harmony in the physical relationships between buildings.

##### Applicability

- A. The standards in this Subsection shall apply within the DMU zoning district.
- B. The provisions of the Subsection shall apply to all planned buildings and all alterations, renovations, expansions or other work that includes exterior changes to existing buildings subject to review site plan review.
- C. This Subsection is not intended to supersede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of building materials.

##### Architectural Standards

Decorative and functional architectural features, details and ornamentation (such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches) shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building, as determined by the Planning Commission.

##### Alternative Designs or Materials

To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may waive or modify the requirements of this Subsection upon determining that the proposed architectural design or exterior facade material meets all of the following conditions:

- A. The proposed design or material is consistent with the purposes of this Subsection.
- B. The proposed design or material would enhance the character of the building, and would be equal or superior to designs or materials permitted by this Subsection.
- C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.

ARTICLE 3 Zoning Map & Districts

DMU: DEVELOPMENT STANDARDS

PUBLIC ENTRANCES

Public entrances shall be emphasized with framing devices, such as, peaked roof forms, porches, overhangs, archways, larger door openings, display windows, accent colors, tile, moldings, pedestrian-scale lighting, and similar devices.

Locations	Min. 1 entrance per street-facing façade, or 1 corner entrance for corner lots with frontage on 2 streets	
Setback	Min. 4 feet from façade for outward opening doors along public right-of-ways	
Non-Traditional Entrances	Roll-top or cantilever doors permitted as customer entrances with min. 50% transparency	

Design Features

Buildings shall have clearly defined, highly visible customer entrances that include no less than three (3) of the following design features:

- A. Canopies/porticos above the entrance;
- B. Roof overhangs above the entrance;
- C. Entry recesses/projections;
- D. Arcades that are physically integrated with the entrance;
- E. Raised corniced parapets above the entrance;
- F. Gabled roof forms or arches above the entrance;
- G. Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- H. Display windows that are directly adjacent to the entrance; or
- I. Architectural details, such as tile work and moldings, that is integrated into the building structure and design and is above and/or directly adjacent to the entrance.

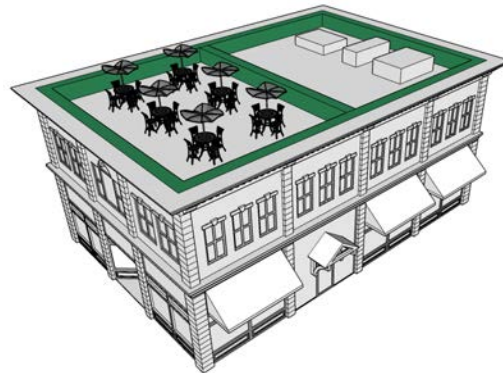
ROOF DESIGN

Flat Roofs

Flat roofs shall be enclosed on all sides by a parapet wall at a minimum height of forty two (42) inches above the roof surface, or as required, to conceal rooftop mechanical equipment.

Parapet walls shall not be used in determining building height.

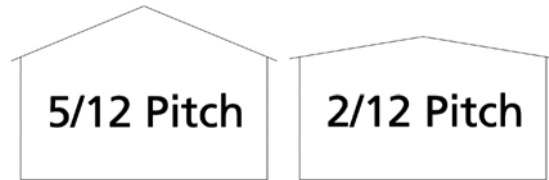
Roof-top patios may be permitted and will not count as an established floor/story.





ARTICLE 3 Zoning Map & Districts

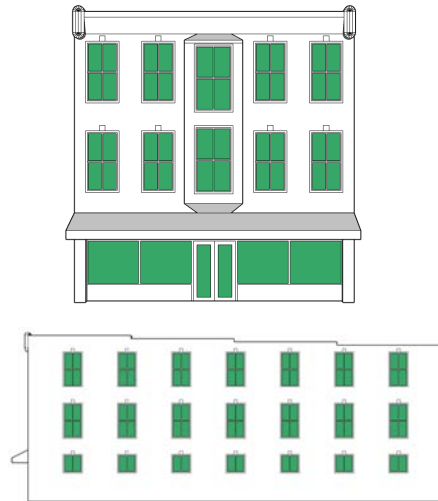
DMU: DEVELOPMENT STANDARDS	
Pitched Roofs	
Slope - Principal Structure	Minimum 5/12 slope
Slope - Accessory Structure or Porch	Minimum 2/12 slope
Materials	Slate, terra cotta, cedar shingles, standing seam panels, or dimensional asphalt shingles
Colors	Black, dark gray, dark green, dark blue, or dark red



**WINDOWS & TRANSPARENCY**

Buildings with frontage on a public or private right-of-way shall be designed to encourage and complement a pedestrian-scale environment, with window openings and facade transparency subject to the following standards:

Transparency	
Front Façade – 1 <sup>st</sup> Floor	Min. 65%
Front Façade – Upper Floors	Min. 40%
Side Street Façade	Min. 40%
Side Façade	No Minimum. Prohibited unless building is set back a minimum of 5 feet
Glazing	Primarily clear or lightly tinted glass. Translucent glass shall be limited to bathroom windows and similar use areas requiring privacy.
Pattern & Orientation	Vertical or square orientation in a balanced pattern



ARTICLE 3 Zoning Map & Districts

DMU: DEVELOPMENT STANDARDS

FACADES

All building construction, alteration, renovation, and other development activity subject to the provisions of this Section shall conform with the following standards for exterior building façade materials. The percentages presented below apply to each façade individually:

Building Materials		Max. Permitted Facade Coverage
Brick	Face, terra cotta, or ceramic	100%
	Jumbo or utility <sup>1</sup> brick	25%
Stone	Natural stone, stone veneer, or simulated stone materials	100%
Concrete	Formed in place, pre-cast panels or blocks	10%
	Split-face CMU <sup>2</sup> or similar decorative block	25%
Siding or Shingles	Vinyl, metal or other synthetic materials	50%
	Wood, cement board, or similar materials	75%
Engineered Finish Products	EIFS <sup>3</sup> , plater, stucco, or similar materials	10%
	Hard-coated EPS <sup>4</sup> or similar polyurea hard-coated foam materials	20%
Glass	Translucent, dark tint or mirrored	5%
	Transparent, pale tint, or energy efficient	10%
	Glass block	10%

Notes:

- Utility brick is larger than standard brick (typical utility brick = 3 5/8 inches by 11 5/8 inches).
- CMU = Concrete Masonry Unit
- EIFS = Exterior Insulation and Finish System
- EPS = Expanded Polystyrene
- Includes glass used for construction purposes only, and shall not include windows or count towards satisfying the minimum transparency requirements of this Section.

Facade Variation

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. Such features and design elements may include, but are not limited to the following:

- Projections, bays or recesses, not exceeding 10 feet in depth.
- Enhanced ornamentation and architectural detailing.
- Variations in building height or window patterns.
- Distinctively shaped roof forms, detailed parapets, and cornice lines.



DMU: DEVELOPMENT STANDARDS

Expression Line

The street level facade of any building shall be distinguished from the remainder of the building with a horizontal expression line on the façade located between the highest point of the street level and the bottom edge of any second floor windows.

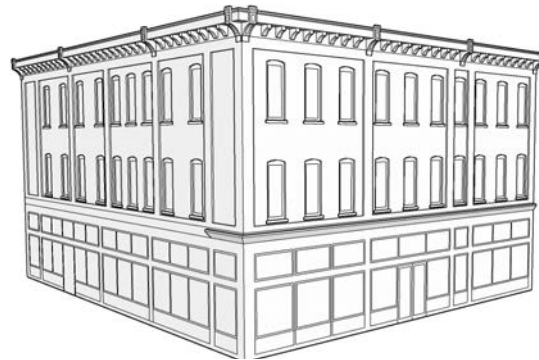
**Permanent Design Element:** The expression line shall be incorporated into the façade as a permanent design element and shall be created by a change in building material, architectural design, setback, recess, projection, cornices, belt courses, corbelling, molding, stringcourses or other sculptured design element.

**Consistency With Adjacent Buildings:** Where the Planning Commission determines that a consistent expression line has been established on adjacent buildings, it shall be continued on any new construction or expansion, or the Commission may require a transitional design element (such as columns, piers, bays or changes in façade materials) between the existing and proposed expression lines.



Side & Rear Facades

All sides of a building shall be complementary in design, details, and materials. Where a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the side and/or rear facade shall include windows, building materials, and architectural features complimentary to those present on the front facade of the building.

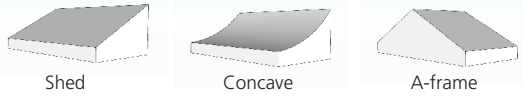
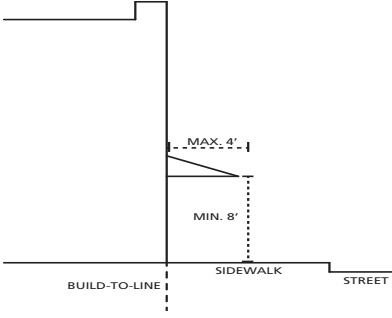


ARTICLE 3 Zoning Map & Districts

DMU: DEVELOPMENT STANDARDS


Awnings

Awnings are encouraged and shall be primarily designed to protect pedestrians, display windows, public entrances and outdoor dining areas from the weather; and to add color and visual interest to the street level façade.

Design	Shed, concave, or A-frame	
Setback	6 feet from curb line	
Minimum Clearance Above Grade	8 feet	
Maximum ROW Encroachment	4 feet with ROW agency approval	
Materials	Durable, fire-resistant materials. Plastic panels, rigid fiberglass or metal panels prohibited.	
Maintenance	Awnings shall be kept in good repair to maintain the original appearance and securely attached to the building to ensure public safety.	
Signs	Awnings may be permitted to display signage consistent with the standards in Article 5	

Balconies

Balconies are permitted as either recessed or projecting, shall be made of painted wood or decorative iron or steel, and allowed on upper level facades subject to the following standards:

Front Façade	Recessed balconies only	
Side Façade	Projecting balconies permitted but shall be setback 5 feet from property line. Recessed balconies permitted if building setback at least 5 feet from property line	
Side Façade, Corner Lot	Projecting balconies permitted but shall not encroach into the ROW. Recessed balconies permitted.	
Rear Façade	Projecting and recessed balconies permitted but shall be setback at least 5 feet from property line.	

**DMU: DEVELOPMENT STANDARDS**  
**EXAMPLES (for illustrative purposes only)**



**3.6.5 Landscaping & Fencing Standards**

<b>DMU: LANDSCAPING &amp; FENCING</b>	
Item	All Uses
Lot Landscaping	---
Right-Of-Way Landscaping	---
Screening & Buffering	Side & rear property lines adjacent to residential zoning district or use: vegetated screen, obscuring wall/fence, or combination thereof at a minimum height of 6 feet
Front Yard Fences	---
Rear & Side Yard Fences	Maximum height of 6 feet

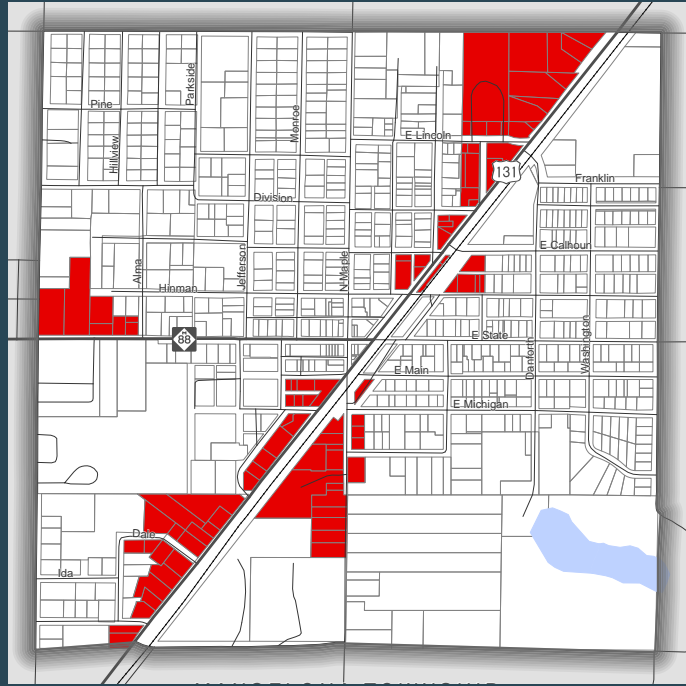
*Notes: Additional landscape standards located in Article 5; Additional fencing standards located in Article 2*

3.6.6 Off-Street Parking & Loading Standards

DMU: OFF-STREET PARKING & LOADING STANDARDS		
Item	All Uses	
Off-Street Parking Lots	Location	Rear yard only
	Front Setback	---
	Side Setback	Adjacent to NMU or DMU zoned properties: 0 feet Adjacent to VR, FR, or PSP zoned properties: 5 feet
	Corner Lot, Side Street Setback	5 feet from side façade
	Rear Setback	Adjacent to NMU or DMU zoned properties: 0 feet Adjacent to VR, FR, or PSP zoned properties: 5 feet
	Screening	Screened from all residential and public / semi-public zoning districts or uses and right-of-ways with a decorative masonry wall or vegetation at a minimum height of 3 feet
	Tree Islands	1 tree island per 10 parking spaces
	Bicycle Parking	2 spaces per use, plus 1 per 10 parking spaces or 1 per 3 dwelling units
Loading Zones	Location	Rear yard only
	Screening	Must be screened from all residential zoning districts or uses and right-of-ways
	Loading spaces	1 per 20,000 square feet of gross floor area if use regularly receives deliveries or pick ups

*Notes: Additional parking standards located in Article 5*

C  
COMMERCIAL  
DISTRICT



3.7 C: COMMERCIAL DISTRICT

3.7.1 Intent & Purpose

The intent of the Commercial (C) District is to provide for intensive commercial development offering a broad range of goods and services, marketed to the general Village population, residents in surrounding communities or region. The development pattern is more auto-centric than other districts that allow commercial uses and therefore requires additional attention towards its impact on adjacent uses, especially residential. Accordingly, developments should be compatible in design with adjacent development, buffered or located away from residential areas, focused on site layout, building design and circulation patterns, and accessed off a major thoroughfare or through a cross access easement from a development served by a major thoroughfare.



ARTICLE 3 Zoning Map & Districts

3.7.2 Regulated Uses

C: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
<b>Residential Uses</b>			
3 or more attached dwellings	By Right	---	1.5 / dwelling unit
Accessory Dwelling Units	By Right	§6.2	1 / accessory dwelling unit
Boarding Rooms	By Right	§6.8	1.5 / boarding room
Bed & Breakfast Inns	By Right	§6.7	1 / guest bedroom
Live / Work Units	By Right	---	3 / unit
Dwelling Units Above 1 <sup>st</sup> Floor Commercial	By Right	---	2 / dwelling unit
Home Occupations	By Right	§6.14	---
Assisted Living Facilities	By Right	---	0.25 / dwelling unit + 1 per employee
Adult Foster Care Congregate Facilities	By Right	---	1.5 / employee
Adult Foster Care Large Group Homes	By Right	---	0.5 / 1 bed
Foster Family Group Homes	By Right	---	0.5 / 1 bed
Nursing & Convalescent Homes	By Right	---	0.5 / 1 bed
Senior Living Facilities	By Right	---	0.5 / 1 bed
<b>Public / Semi-Public Uses</b>			
Public Use – Critical	By Right	§2.18	---
Public Use – Essential	By Right	§2.18	---
Public Use – Supporting	By Right	§2.18	---
Religious Institutions	By Right	---	0.25 / 1 occupancy
Cemeteries	By Right	---	0.25 / 1 occupancy
Cultural Institutions	By Right	---	0.25 / 1 occupancy
<b>Commercial Uses</b>			
Adult Day Care Facilities	By Right	---	0.25 / guest + 1 per employee
Amusement Parks	By Right	---	1 / 500 square feet outdoor recreation area
Assembly Facility – Accessory Use	By Right	---	0.25 / 1 occupancy
Assembly Facility – Principal Use	By Right	---	0.25 / 1 occupancy
Automobile Repairs – Minor	Special Use	§6.4	3 / stall
Automobile Sales & Rentals	Special Use	§6.5	1 / 5,000 square feet outdoor display area + 1 / 150 square feet indoor area
Automobile Service Stations	Special Use	§6.6	2 / pump + 1 / stall
Bars, Taverns, Lounges	By Right	---	1 / 3 occupancy
Business Services	By Right	---	1 / 200 square feet
Catering Services	By Right	---	1 / employee + 1 per business vehicle + 1 200 square feet
Child Care Center	By Right	---	1 / employee + 1 / 10 children
Drive In or Drive Through Services	Special Use	§6.12	2 / window
Equipment Rental Establishments	By Right	---	1 / 200 square feet
Financial Services	By Right	---	1 / 150 square feet
For-Profit Educational Institutions	By Right	---	1 / student + 1 / employee
Health Care Services	By Right	---	4 / exam room



ARTICLE 3 Zoning Map & Districts

C: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
Hospitals	By Right	---	3 / patient bed
Hotels and Motels	By Right	---	1 / guest room
Kennels	Special Use	\$6.15	1 / employee + 1 / 250 square feet
Microbreweries	By Right	---	1 / 3 occupancy
Personal Services	By Right	---	1 / 150 square feet
Professional Services	By Right	---	4 / 1,000 square feet
Recreational Facilities	By Right	---	1 / 3 occupancy
Retail Sales Establishment – General	By Right	---	3 / 1,000 square feet
Retail Sales Establishment – Department	Special Use	---	4 / 1,000 square feet
Retail Sales Establishment – Food & Beverage	By Right	---	3 / 1,000 square feet
Retail Sales Establishment – Products Produced On-site	By Right	---	3 / 1,000 square feet of sales area
Restaurants	By Right	---	1 / 3 occupancy
Small Distilleries	By Right	---	1 / 3 occupancy
Small Wineries	By Right	---	1 / 3 occupancy
Sexually Oriented Businesses	Special Use	\$6.17	3 / 1,000 square feet
Tasting Rooms	By Right	---	1 / 3 occupancy
Theaters	By Right	---	0.25 / 1 occupancy
Veterinary Clinics	By Right	---	2.5 / employee
<b>Transportation &amp; Utility Uses</b>			
Off-site Public or Private Parking	By Right	\$6.16	---
Small Cell Wireless Facilities	By Right	\$2.27	---
Telecommunication Towers	Special Use	\$6.19	4 / establishment
Transit Stations	Special Use	---	5 / 1,000 square feet
<b>Industrial Uses</b>			
Contractor Establishments	By Right	---	4 / 1,000 square feet
Data Processing Facilities	By Right	---	4 / 1,000 square feet
Extractive Industries	Special Use	\$6.13	1 / employee
Manufacturing – Food	Special Use	---	1.5 / 1,000 square feet
Manufacturing – Light	Special Use	---	1.5 / 1,000 square feet
Recycling Collection Stations	By Right	---	---
Research & Development Facilities	Special Use	---	5 / 1,000 square feet
Support Laboratories	By Right	---	5 / 1,000 square feet

3.7.3 Dimensional Standards & Building Form

C: DIMENSIONAL STANDARDS & BUILDING FORM	
<b>Lot Occupation</b>	
Minimum Lot Width	50 feet
Minimum Lot Area	5,000 square feet
Base Density	16 dwelling units / acre
Maximum Lot Coverage	70%
Maximum Impervious Coverage	85%

**ARTICLE 3 Zoning Map & Districts**

C: DIMENSIONAL STANDARDS & BUILDING FORM	
<b>Principal Structures</b>	
Front Setback	10 feet
Side Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Corner Lot Side Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Rear Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Maximum Height	3 stories / 40 feet
Minimum 1 <sup>st</sup> Floor Ceiling Height	12 feet
Minimum Upper Story Ceiling Height	9 feet
Minimum 1 <sup>st</sup> Floor Elevation	---
Maximum 1 <sup>st</sup> Floor Elevation	1 foot above grade
Minimum Ground Floor Area	---
Minimum Floor Area / Unit	---
Uses Allowed On 1 <sup>st</sup> Floor	Commercial & Residential
Uses Allowed On Upper Floors	Commercial & Residential
<b>Principal Building Forms</b>	
<ul style="list-style-type: none"> <li>• <b>Apartment Building</b></li> <li>• <b>Commercial Building</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Mixed Use Building</b></li> <li>• <b>Public / Semi-Public Building</b></li> </ul>
<b>Accessory Structures</b>	
Permitted Locations	Side & Rear yard only
Front Setback	---
Side Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Corner Lot Side Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Rear Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Maximum Height	2 stories / 25 feet
Maximum Ground Floor Elevation	6 inches
Maximum Number	---
Maximum Ground Floor Area (cumulative)	≤ 75% of principal building

3.7.4 Landscaping & Fencing

C: LANDSCAPING & FENCING	
Item	All Uses
Lot Landscaping	There shall be a minimum four (4) foot wide vegetative strip around the primary building. Such strip shall be planted with a mixture of ground cover, ornamental trees, plants, and shrubs.
Right-Of-Way Landscaping	1 tree and 6 shrubs per 30 lineal feet of ROW
Screening & Buffering	Side & rear property lines adjacent to residential or public / semi-public zoning districts or uses: vegetated screen, obscuring wall/fence, berm or combination thereof at a minimum height of 6 ft
Front Yard Fences	---
Rear & Side Yard Fences	Maximum height of 6 feet

*Notes: Additional landscape standards located in Article 5; Additional fencing standards located in Article 2*

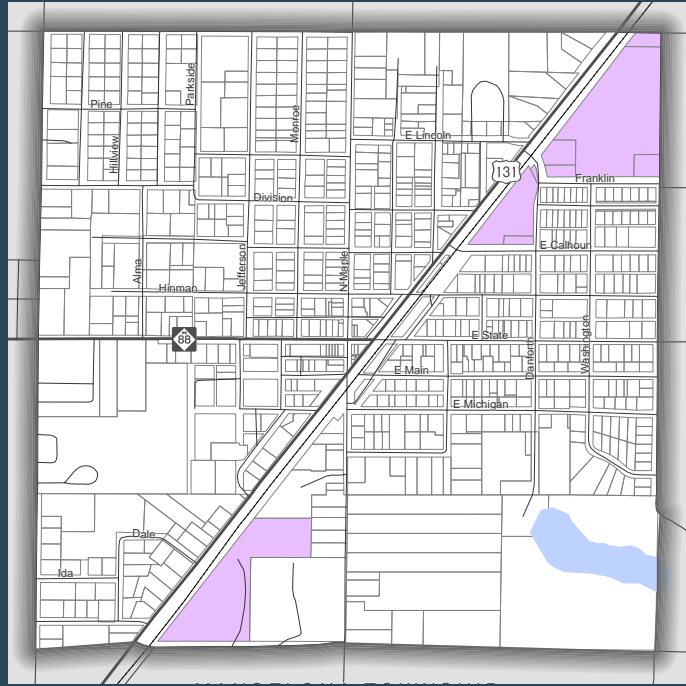
3.7.5 Off-Street Parking & Loading Standards

C: OFF-STREET PARKING & LOADING STANDARDS		
Item	All Uses	
Off-Street Parking Lots	Location	Side or rear yard only
	Front Setback	5 feet from front façade
	Side Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
	Corner Lot, Side Street Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
	Rear Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
	Screening	Screened from all residential and public / semi-public zoning districts or uses and right-of-ways with a decorative masonry wall or vegetation at a minimum height of 3 feet
	Tree Islands	1 tree island at the end of each single parking row, plus 1 tree island per 10 parking spaces
	Bicycle Parking	2 spaces per use, plus 1 per 10 parking spaces or 1 per 3 dwelling units
Loading Zones	Location	Side or rear yard only
	Screening	Must be screened from all residential zoning districts or uses and right-of-ways
	Loading spaces	1 per 20,000 square feet of gross floor area if use regularly receives deliveries or pick ups

*Notes: Additional parking standards located in Article 5*

# LIW

## LIGHT INDUSTRIAL & WAREHOUSING DISTRICT



### 3.8 LIW: LIGHT INDUSTRIAL & WAREHOUSING DISTRICT

#### 3.8.1 Intent & Purpose

The Light Industrial & Warehousing (LIW) District is designed to primarily accommodate wholesale activities, warehousing, technology, research, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The Light Industrial & Warehousing District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is not the intent of this district to accommodate the manufacturing and processing of products from raw materials. It is understood office uses and limited commercial uses may be acceptable in this district.



ARTICLE 3 Zoning Map & Districts

3.8.2 Regulated Uses

LIW: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
<b>Residential Uses</b>			
Live / Work Units	By Right	---	3 / unit
<b>Public / Semi-Public Uses</b>			
Public Use – Critical	By Right	§2.18	---
Public Use – Essential	By Right	§2.18	---
Public Use – Supporting	By Right	§2.18	---
Cemeteries	By Right	---	0.25 / 1 occupancy
<b>Commercial Uses</b>			
Assembly Facility – Accessory Use	By Right	---	0.25 / 1 occupancy
Assembly Facility – Principal Use	By Right	---	0.25 / 1 occupancy
Automobile Repairs – Major	Special Use	§6.3	3 / stall
Automobile Repairs – Minor	Special Use	§6.4	3 / stall
Automobile Service Stations	Special Use	§6.6	2 / pump + 1 / stall
Automobile Sales & Rentals	Special Use	§6.5	1 / 5,000 square feet outdoor display area + 1 / 150 square feet indoor area
Catering Services	By Right	---	1 / employee + 1 per business vehicle + 1 200 square feet
Equipment Rental Establishments	By Right	---	1 / 200 square feet
For-Profit Educational Institutions	By Right	---	1 / student + 1 / employee
Kennels	Special Use	§6.15	1 / employee + 1 / 250 square feet
Microbreweries	By Right	---	1 / 3 occupancy
Recreational Facilities	By Right	---	1 / 3 occupancy
Retail Sales Establishment – Products Produced On-site	By Right	---	3 / 1,000 square feet of sales area
Small Distilleries	By Right	---	1 / 3 occupancy
Small Wineries	By Right	---	1 / 3 occupancy
Tasting Rooms	By Right	---	1 / 3 occupancy
Veterinary Clinics	By Right	---	2.5 / employee
<b>Transportation &amp; Utility Uses</b>			
Small Cell Wireless Facilities	By Right	§2.27	---
Solar Energy Farms	Special Use	§6.18	4 / establishment
Telecommunication Towers	Special Use	§6.19	4 / establishment
Transportation Equipment Storage	By Right	---	---
<b>Industrial Uses</b>			
Central Cleaning Facilities	By Right	---	4 / 1,000 square feet
Contractor Establishments	By Right	---	4 / 1,000 square feet
Contractor Storage Yards	Special Use	§6.11	1 / 2,000 square feet of storage area
Data Processing Facilities	By Right	---	4 / 1,000 square feet
Extractive Industries	Special Use	§6.13	1 / employee
Greenhouses & Nurseries	By Right	---	1 / employee + 4 / 1,000 square feet of sales area
Freight Terminals	By Right	---	1 / employee

**ARTICLE 3 Zoning Map & Districts**

<b>LIW: REGULATED USES</b>	<b>APPROVAL TYPE</b>	<b>USE-SPECIFIC STANDARDS</b>	<b>MAXIMUM PARKING</b>
Manufacturing – Food	By Right	---	1.5 / 1,000 square feet
Manufacturing – Light	By Right	---	1.5 / 1,000 square feet
Manufacturing – Heavy	Special Use	---	1.5 / 1,000 square feet
Recycling Collection Stations	By Right	---	---
Recycling Facilities	By Right	---	1.25 / employee
Research & Development Facilities	By Right	---	5 / 1,000 square feet
Self-Storage Facilities	By Right	---	1 / 10 units + 1 / employee
Support Laboratories	By Right	---	5 / 1,000 square feet
Warehousing & Distribution	By Right	---	1.25 / employee
Wholesale Activities	By Right	---	1.25 / employee

**3.8.3 Dimensional Standards & Building Form**

<b>LIW: DIMENSIONAL STANDARDS &amp; BUILDING FORM</b>	
<b>Lot Occupation</b>	
Minimum Lot Width	100 feet
Minimum Lot Area	5,000 square feet
Base Density	---
Maximum Lot Coverage	70%
Maximum Impervious Coverage	85%
<b>Principal Structures</b>	
Front Setback	20 feet
Side Setback	Adjacent to LIW zoned properties: 10 feet Adjacent to all other zoned properties: 20 feet
Corner Lot Side Setback	20 feet
Rear Setback	Adjacent to LIW zoned properties: 10 feet Adjacent to all other zoned properties: 20 feet
Maximum Height	3 stories / 40 feet
Minimum 1 <sup>st</sup> Floor Ceiling Height	---
Minimum Upper Story Ceiling Height	---
Minimum 1 <sup>st</sup> Floor Elevation	---
Maximum 1 <sup>st</sup> Floor Elevation	1 foot above grade
Minimum Ground Floor Area	---
Minimum Floor Area / Unit	---
Uses Allowed On 1 <sup>st</sup> Floor	Commercial & Industrial
Uses Allowed On Upper Floors	Commercial, Industrial & Residential
<b>Principal Building Forms</b>	
<ul style="list-style-type: none"> <li><b>Commercial Building</b></li> </ul>	
<b>Accessory Structures</b>	
Permitted Locations	Side & Rear yard only
Front Setback	---

ARTICLE 3 Zoning Map & Districts

LIW: DIMENSIONAL STANDARDS & BUILDING FORM	
Side Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Corner Lot Side Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Rear Setback	Adjacent to NMU, DMU, C or LIW zoned properties: 5 feet; Adjacent to VR, FR or PSP zoned properties: 20 feet
Maximum Height	2 stories / 25 feet
Maximum Ground Floor Elevation	6 inches
Maximum Number	---
Maximum Ground Floor Area (cumulative)	---

3.8.4 Landscaping & Fencing Standards

LIW: LANDSCAPING & FENCING	
Item	All Other Uses
Lot Landscaping	There shall be a minimum four (4) foot wide vegetative strip around the primary building. Such strip shall be planted with a mixture of ground cover, ornamental trees, plants, and shrubs
Right-Of-Way Landscaping	1 tree and 6 shrubs per 30 lineal feet of ROW
Screening & Buffering	Side and rear property lines adjacent to industrial zoning district or use: 10 feet greenbelt along side & rear property lines  Side and rear property lines adjacent to all other zoning districts and uses: vegetated screen, obscuring wall/fence, berm or combination thereof at a minimum height of 6 feet
Front Yard Fences	---
Rear & Side Yard Fences	Maximum height of 6 feet
Outdoor Storage Or Production Areas	Opaque wall or fence required at a minimum height of 6 feet

*Notes: Additional landscape standards located in Article 5; Additional fencing standards located in Article 2*

3.8.5 Off-Street Parking & Loading Standards

LIW: OFF-STREET PARKING & LOADING STANDARDS		
Item	All Uses	
Off-Street Parking Lots	Location	Side or rear yard only
	Front Setback	5 feet from front façade
	Side Setback	10 feet
	Corner Lot, Side Street Setback	5 feet from side street façade
	Rear Setback	10 feet
	Screening	Screened from all non-industrial zoning districts or uses and right-of-ways with a decorative masonry wall or vegetation at a minimum height of 3 feet
	Tree Islands	1 tree island at the end of each single parking row, plus 1 tree island per 16 parking spaces
	Bicycle Parking	2 bicycle parking spaces per lot, plus 1 bicycle parking space for every 20 vehicle parking spaces.
Loading Zones	Location	Side or rear yard only
	Screening	Must be screened from all non-industrial zoning districts or uses and right-of-ways
	Loading spaces	1 per 20,000 square feet of gross floor area

*Notes: Additional parking standards located in Article 5*



# PSP

## PUBLIC / SEMI-PUBLIC DISTRICT



### 3.9 PSP: PUBLIC / SEMI-PUBLIC DISTRICT

#### 3.9.1 Intent & Purpose

The intent of the Public/Semi-Public (PSP) District is to accommodate public and non-profit areas available to the residents and businesses of the Village. These areas are designated to provide the community needed recreation areas, governmental facilities, institutional uses, aesthetics, and environmental protection for active and passive use. The protection and enhancement of these areas will be part of shaping the community's identity through public spaces, memorable architecture, and defining designs.



### 3.9.2 Regulated Uses

PSP: REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING
<b>Public / Semi-Public Uses</b>			
Public Use – Critical	By Right	\$2.18	---
Public Use – Essential	By Right	\$2.18	---
Public Use – Supporting	By Right	\$2.18	---
Religious Institutions	By Right	---	0.25 / 1 occupancy
Cemeteries	By Right	---	0.25 / 1 occupancy
Cultural Institutions	By Right	---	0.25 / 1 occupancy
Educational Institutions	By Right	---	1 / 1,000 square feet + 1 / classroom + assembly facility
<b>Commercial Uses</b>			
Assembly Facility – Accessory Use	By Right	---	0.25 / 1 occupancy
Assembly Facility – Principal Use	Special Use	---	0.25 / 1 occupancy
Campgrounds	Special Use	\$6.10	2.25 / site
Child Care Center	By Right	---	1 / employee + 1 / 10 children
Recreational Facilities	By Right	---	1 / 3 occupancy
<b>Transportation &amp; Utility Uses</b>			
Off-site Public or Private Parking	Special Use	\$6.16	---
Small Cell Wireless Facilities	By Right	\$2.27	---
Solar Energy Farms	Special Use	\$6.18	4 / establishment
Telecommunication Towers	Special Use	\$6.19	4 / establishment
Transit Stations	Special Use	---	5 / 1,000 square feet
<b>Industrial Uses</b>			
Extractive Industries	Special Use	\$6.13	1 / employee
Recycling Collection Stations	By Right	---	---

### 3.9.3 Dimensional Standards & Building Form

PSP: DIMENSIONAL STANDARDS & BUILDING FORM	
<b>Lot Occupation</b>	
Minimum Lot Width	50 feet
Minimum Lot Area	5,000 square feet
Base Density	---
Maximum Lot Coverage	60%
Maximum Impervious Coverage	75%
<b>Principal Structures</b>	
Front Setback	10 feet
Side Setback	10 feet
Corner Lot Side Setback	10 feet
Rear Setback	15 feet
Maximum Height	3 stories / 40 feet

ARTICLE 3 Zoning Map & Districts

PSP: DIMENSIONAL STANDARDS & BUILDING FORM	
Minimum 1 <sup>st</sup> Floor Ceiling Height	9 feet
Minimum Upper Story Ceiling Height	9 feet
Minimum 1 <sup>st</sup> Floor Elevation	---
Maximum 1 <sup>st</sup> Floor Elevation	1 foot above grade
Minimum Ground Floor Area	---
Minimum Floor Area / Unit	---
Uses Allowed On 1 <sup>st</sup> Floor	Public / Semi-Public
Uses Allowed On Upper Floors	Public / Semi-Public
Principal Building Forms	
<ul style="list-style-type: none"> <li>Public / Semi-Public Building</li> </ul>	
Accessory Structures	
Permitted Locations	Side & Rear yard only
Front Setback	---
Side Setback	10 feet
Corner Lot Side Setback	10 feet
Rear Setback	10 feet
Maximum Height	2 stories / 25 feet
Maximum Ground Floor Elevation	6 inches
Maximum Number	---
Maximum Ground Floor Area (cumulative)	---

3.9.4 Landscaping & Fencing Standards

PSP: LANDSCAPING & FENCING	
Item	All Other Uses
Lot Landscaping	There shall be a minimum four (4) foot wide vegetative strip around the primary building. Such strip shall be planted with a mixture of ground cover, ornamental trees, plants, and shrubs
Right-Of-Way Landscaping	1 tree and 6 shrubs per 30 lineal feet of ROW
Screening & Buffering	Greenbelt at min. width of 10 ft when adjacent to residential zoning districts and uses
Front Yard Fences	---
Rear & Side Yard Fences	Maximum height of 6 feet
<i>Notes: Additional landscape standards located in Article 5; Additional fencing standards located in Article 2</i>	

3.9.5 Off-Street Parking & Loading Standards

PSP: OFF-STREET PARKING & LOADING STANDARDS		
Item	All Uses	
Off-Street Parking Lots	Location	Side or rear yard only
	Front Setback	---
	Side Setback	10 feet
	Corner Lot, Side Street Setback	10 feet
	Rear Setback	10 feet
	Screening	Screened from all residential zoning districts or uses and right-of-ways with a decorative masonry wall or vegetation at a minimum height of 3 feet
	Tree Islands	1 tree island at the end of each single parking row, plus 1 tree island per 10 parking spaces
	Bicycle Parking	2 bicycle parking spaces per lot, plus 1 bicycle parking space for every 10 vehicle parking spaces.
Loading Zones	Location	Side or rear yard only
	Screening	Must be screened from all residential zoning districts or uses and right-of-ways
	Loading spaces	1 per 20,000 sq ft of gross floor area if use regularly receives deliveries or pick ups

*Notes: Additional parking standards located in Article 5*

# ARTICLE 4 Overlay Districts

# 4

- 4.1. Intent & Purpose
- 4.2. Marihuana Facilities and Use Overlay District

## 4.1 INTENT & PURPOSE

The Michigan Zoning Enabling Act, PA 110 of 2006 as amended, allows for the creation of special land development regulations to address problems and needs in specific areas. The special districts established under this Article have been created in order to implement the goals and objectives of the Village of Mancelona Master Plan or other planning documents, and to further protect the health, safety, and welfare of the community. In addition to the standards of the base zoning districts applicable to a particular site, the standards of the established special district shall also apply. To the extent there is a conflict between the standards with the applicable base zoning district, the standard of the special district shall apply.

## 4.2 Marihuana Facilities Overlay District

It is the desire of the Village to offer marihuana facilities in high visibility, traffic centered commercial locations while preserving the residential neighborhoods.

### 4.2.1 Map

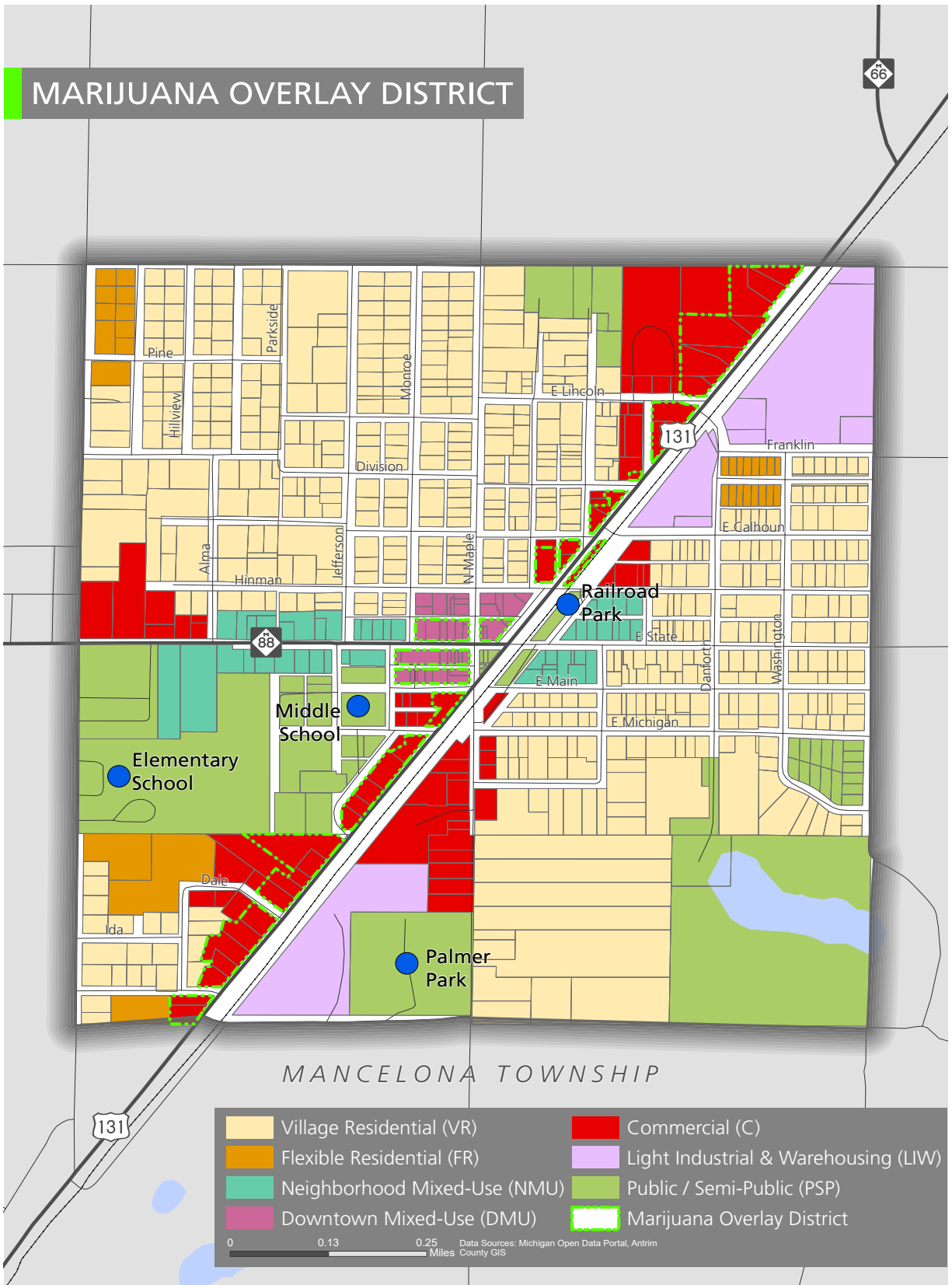
Below contains the boundaries of the Marihuana Facilities Overlay District.

### 4.2.2 Uses

In addition, to the uses allowed in the underlying zoning districts, the following uses shall be allowed, without a zoning permit, in the Marihuana Facilities District, subject to the Village of Mancelona Marihuana Establishment Ordinance, Ordinance 115 of 2021.

Marihuana Microbusiness

Marihuana Retailer



## ARTICLE 5

# Site Development Standards

# 5

- 5.1. Intent & Purpose
- 5.2. Landscaping
- 5.3. Off-Street Parking
- 5.4. Exterior Lighting
- 5.5. Signs
- 5.6. Stormwater Management
- 5.7. Non-Motorized Transportation



## 5.1 INTENT & PURPOSE

The purpose of the regulations contained in this Article is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial development.

## 5.2 LANDSCAPING

### 5.2.1 Intent & Purpose

The intent and purpose of the provisions in this section are to:

- A. Improve the visual image of the Village and properties abutting public right-of-ways, thereby reducing conditions which lead to community blight;
- B. Requiring buffering between conflicting land uses and zoning districts;
- C. Promote public health, safety and general welfare
- D. Protect and preserve the appearance, character and value of the surrounding development; and
- E. Promote the use of native plant materials while discouraging the use of invasive plant materials.

### 5.2.2 Applicability

- A. Landscape Plan Required:
  - 1. All new uses requiring a site plan review;
  - 2. Additions to existing non-residential structures that increase the floor area by more than twenty (25%) percent;
  - 3. Expansions or contractions of nonconforming sites that do not meet the landscape requirements of this section.
- B. Exceptions:
  - 1. The reconstruction of an existing structure of which fifty (50%) percent or less of the floor area was destroyed or ruined by flooding, fire, wind, storm, or act of nature, and where the reconstruction will not result in an increase in size of the structure, parking facilities, or paved areas;
  - 2. Interior remodeling or façade improvements that do not result in an increase in size of the structure, parking facilities, or paved areas; and
  - 3. Any use, building, or structure for which only a change of use is requested, and which requires no exterior structural modifications that increase its volume or scale.
- C. Application: All applicable projects shall submit a landscape plan as part of the site plan review process that contains the following:
  - 1. Plan scale equal to that of the site plan and a north arrow;

2. Existing and proposed topography;
3. Location and general type of all existing vegetation and wetlands;
4. Location and size of all proposed plant materials;
5. Zoning district classification of adjacent properties;
6. Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition and quantities;
7. Vegetation inventory of all trees with a caliper of twelve (12) inches or greater and all invasive species, including their location and species type.

### 5.2.3 Standards and Criteria

#### A. Planting Materials:

1. Plant material shall be healthy, free of insects, diseases, and physical damage.
2. Unless otherwise specified, the minimum size for plant materials installed shall be as follows:

PLANTING STANDARDS		
Plant Material	Minimum Size	
Deciduous (canopy) Trees	2.5" caliper	
Evergreen Trees	6' height	
Ornamental Trees	Single-Trunk	2" caliper
	Multi-Trunk	6' height
Deciduous Shrubs	2' height	
Upright Evergreen Shrubs	2' height	
Spreading Evergreen Shrubs	18" spread	

3. Caliper of trunk shall be measured twelve (12) inches above the ground.
  4. Native species are encouraged. Class 1 – 4 invasive species in the Northwest Michigan Invasive Species Network's *Recommended Planting Guidelines for Municipalities* shall be prohibited.
- B. Fractional Requirements: Where any calculation of required plant materials in this Ordinance results in a fractional requirement, such requirement shall be rounded up to the next highest whole number.
- C. Ground Cover: All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water features shall be replanted with ground cover at a minimum. Ground cover may include:
1. Maintained lawn area;
  2. Non-invasive wildflowers, vines, grasses, rushes sedges or ferns;
  3. Wood chips, mulch or rock provided this type of material does not exceed twenty (20%) percent of the total of any individual landscaped area.

- D. Plant Substitutions: The Zoning Administrator may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., deciduous or evergreen trees) as the material being replaced.
- E. Invasive Species Management: An applicant shall develop a removal and/or management strategy for invasive species identified on the vegetation inventory. Invasive species shall include those listed as Class 1 – 4 invasive species in the Northwest Michigan Invasive Species Network's *Recommended Planting Guidelines for Municipalities* shall be prohibited.
- F. Site Design: Landscape areas must be protected from vehicular traffic through the use of concrete curbs, vehicle stops, or other permanent barriers. Protecting significant trees requires locating buildings, roads, and sidewalks in areas of the site which will minimize tree destruction, as well as establishing Protected Root Zones (i.e. tree root buffer zones) to protect vegetation during road widening, sidewalk construction, and cut-and-fill activities.
- G. Utilities: Where overhead and underground utilities are present, consideration shall be given to the location and mature height of species. Adjustments to the location of required planting areas may be approved by the Planning Commission to avoid conflict with such utilities provided the intent of the planting or screening requirements are maintained.
- H. Maintenance: All required landscaped areas shall be maintained in a healthy condition and kept orderly in appearance. Irrigation shall be provided to all required landscaping by means of a piped underground system. The Planning Commission may waive the irrigation requirements if no additional planting is required, or if a reliable source of water is not reasonably available, so as long as the suitable alternative is presented that will ensure the health of the landscaping.
- I. Time Period: Required landscaping shall be installed prior to the issuance of an occupancy permit. If a development is completed during the off-season when plants cannot be installed, the developer shall submit a performance guarantee equal to the materials and labor for the required landscaping to ensure installation at the beginning of the next planting season.
- J. Replacement: When trees or shrubs planted in accordance with the requirements of this section die or are removed for any reason, they must be replaced during the next suitable planting season in a manner, quantity and size approved by the Zoning Administrator.

#### 5.2.4 Landscape Buffers & Screening

Effective screening shall be provided as required between incompatible land uses. The Planning Commission shall make the final determination on the required screening method based on site conditions and the specific land use. The Planning Commission shall have final approval of all buffer and screening methods which may include the following separately, or in combination:

- A. Vegetated Screens: Vegetated screens shall consist of evergreen trees at a height

required of the screen and spaced at an interval that achieves an effective screen at the time of planting. Deciduous trees may be incorporated for plant diversity provided the effectiveness of the screen is achieved.

- B. Berms: Berms shall be constructed with slopes no greater than one (1) foot of vertical rise for every three (3) feet of horizontal run with at least a two (2) feet flat surface on top and sodded to provide adequate protection against erosion. Berms shall be landscaped with one (1) deciduous or evergreen tree, and six (6) shrubs for every forty (40) lineal feet. Clustering of trees and shrubs is allowed upon approval of the Planning Commission.
- C. Obscuring Walls or Fences: Obscuring walls or fences shall be a constructed of durable materials and placed inside and along the property lines. The Planning Commission has the authority to require specific materials based on the site conditions and the nature of the use. Walls and fences shall include one (1) vine or shrub for every ten (10) lineal feet, planted on the exterior face of the structure.
- D. Green Belts: Green belts shall occupy a prescribed buffer zone and consist of vegetated ground cover, along with one (1) deciduous or evergreen tree and six (6) shrubs for every forty (40) lineal feet. Clustering of trees and shrubs is allowed upon approval of the Planning Commission.

### 5.2.5 Right-of-Way (ROW) Landscaping

Where required by a district or use, right-of-way landscaping shall be provided along the street frontage that meets the following standards:

- A. A landscape buffer shall be established along the right-of-way frontage at a minimum width of five (5) feet and shall be the location off all required right-of-way plantings.
- B. Required trees shall be evenly spaced, but required shrubs may be clustered.

### 5.2.6 Lot Landscaping

Additional trees may be required beyond those for screening, buffering and right-of-ways in order to preserve an effective tree canopy in the Village that reduces the urban heat island effect, mitigates sound and pollution, and absorbs stormwater. Lot landscaping requirements shall be applicable to all unpaved or undeveloped portions of a lot. See zoning district regulations in **Article 3** for specific requirements based on district and use.

### 5.2.7 Existing Vegetation

- A. Preservation: Existing deciduous trees, evergreens, flowering trees, and shrubs shall be protected and incorporated into the site plan wherever feasible.
- B. Credit: Existing vegetation may be credited as detailed below for the purpose of calculating landscaping compliance provided that the plants are in healthy growing condition, are at least the minimum size, and are the appropriate species.

**ARTICLE 5 Site Development Standards**

EXISTING LANDSCAPING CREDIT RATION		
Vegetation Type	Maturation	Landscaping Credit
Deciduous Tree	3" or less caliper	1:1
Deciduous Tree	4" – 6" caliper	1:2
Deciduous Tree	7" – 9" caliper	1:3
Deciduous Tree	10" – 12" caliper	1:4
Deciduous Tree	Greater than 12" caliper	1:5
Evergreen or Ornamental Tree	6' or less height	1:1
Evergreen or Ornamental Tree	7' – 12' height	1:2
Evergreen or Ornamental Tree	13' – 16' height	1:3
Evergreen or Ornamental Tree	Greater than 16' height	1:4
Shrub	Any size	1:1

**C. Protection of Vegetation:**

1. Preserved trees shall be protected with high visibility barriers around the protected root zone. The protected root zone shall be a radius one and a half (1 ½) feet from the trunk for every one (1) inch of the tree caliper.
2. Barriers shall not be supported by the trees.
3. No grading, demolition, trenching, operation or storage of equipment, or other activity shall occur in the protected root zone.
4. Where the Zoning Administrator determines that irreparable damage has occurred to a tree credited for preservation, the tree shall be removed and replaced in size and quantity as required in this section and having been given credit for.

**5.3 PARKING**

**5.3.1 General Requirements**

The following standards shall apply to all off-street parking areas except those for one- and two-family residential uses:

- A. Use: Off-street parking, loading, or stacking areas shall only be used for their intended purpose. All other uses are prohibited.
- B. Location:
  1. All off-street parking areas shall be on the same lot as the use it serves or within five hundred (500) feet, measured from the closest point of the building to the nearest point of the off-street parking area. Exception is granted to municipal parking lots for public use with or without a fee.
  2. No off-street parking areas shall be located in the front yard on any lot unless expressly allowed in this Ordinance.
- C. Screening and Landscaping: All off-street parking areas shall be screened as required by the district standards in **Article 3**.
- D. Treed Islands: Treed islands shall be installed when required by the district standards in **Article 3** and shall meet the following requirements:

**ARTICLE 5 Site Development Standards**

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1. Single-loaded aisles shall have one (1) treed island containing one (1) canopy tree at both ends of each row. The minimum dimensions for each island shall be nine (9) feet by eighteen (18) feet.
  2. Double-loaded aisles shall have one (1) treed island containing two (2) canopy trees at both ends of each row. The minimum dimensions for each island shall be twelve (12) feet by thirty six (36) feet.
  3. Additional treed islands that are required shall be evenly spaced throughout the off-street parking area. The treed islands shall contain one (1) canopy tree each and shall have the minimum dimensions of nine (9) feet by eighteen (18) feet.
  4. Treed islands shall be surrounded by a concrete curb at a height of six (6) inches. In addition to the required canopy tree(s), the interior of the islands shall be vegetated with turf and may be used for stormwater management, however, snow storage is prohibited.
- E. Defined Area: Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to clearly define parking and loading spaces.
- F. Dimensions: Off-street parking areas shall be designed to the following minimum standards:

DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES			
Parking Angle	Stall Width	Stall Depth	Min. - Max. Aisle Width
Parallel	9 ft	22 ft	12 – 16 ft
45 degrees	9 ft	20 ft	12 – 16 ft
60 degrees	9 ft	20 ft	16 – 20 ft
90 degrees	9 ft	20 ft	22 – 26 ft
90 degrees – Compact	9 ft	20 ft	20 – 24 ft

- G. Surfacing: Parking surfaces shall be durable and dustless materials such as asphalt, concrete, brick, stone, or pavers. Pervious materials are recommended.
- H. Drainage: All off-street parking areas shall utilize Low Impact Development (LID) water quality technologies to collect and treat stormwater on site as required for site plan review.
- I. Curbs and Vehicle Stops: All off-street parking areas shall include curbs or vehicle stops to prevent vehicles from overhanging into or over public right-of-ways, sidewalks, adjacent areas or landscape areas.
- J. Barrier-Free Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable.
- K. Exterior Lighting: Exterior lighting for new or redeveloped off-street parking, stacking and loading areas shall comply with the standards of this Section.
- L. Maintenance: All parking areas shall be maintained in good condition and kept free of debris and garbage.

- M. Completion: All off-street parking, stacking and loading areas indicated on a site plan shall be fully completed before the issuance of certificate of occupancy. In the case of phased developments, only the off-street parking, stacking and loading areas associated with a given phase of development shall be required to be completed.
- N. Access Through Yards: Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. (These drives shall not be considered as structural violations in front or side yards.) Any walk, terrace, or like surface area not in excess of nine inches above the grade upon which placed shall not be considered to be a structure and shall be permitted in any required yard.

### 5.3.2 Parking Requirements

- A. Maximum Parking: To minimize excessive areas of pavement which detracts from the aesthetics of the Village and contributes to high rates of stormwater runoff, this Ordinance establishes a maximum number of parking spaces for each use. There are no minimum parking requirements. The Planning Commission may grant an increase of up to twenty five (25%) percent of the maximum number of parking spaces if:
  - 1. The applicant can demonstrate to the Planning Commission's satisfaction the additional parking is necessary based on documented evidence of actual use or anticipated demand.
  - 2. The increase in parking will have no undue burden on neighboring property owners and/or natural features.
  - 3. In granting a request to exceed the maximum number of parking spaces, the additional spaces shall be constructed of pervious pavement, pavers, or similar pervious material acceptable to the Planning Commission.
- B. Calculating Maximum Parking Spaces: The following rules shall be applied when calculating the maximum number parking spaces:
  - 1. Measurements based on square feet shall be calculated by Usable Floor Area as defined in this Ordinance.
  - 2. The number of employees shall be based on the maximum number needed for the largest shift.
  - 3. Requirements based on the number of seats shall use a measurement of twenty four (24) inches of bench or pew space or 25 square feet of floor as one seat.
  - 4. Occupancy shall mean legal occupancy as determined by the fire department or other authorized agency.
- C. Use Not Specified: For uses not specified, the Zoning Administrator shall make an interpretation as to the maximum number for a proposed use based on similar uses prescribed in **Article 3**. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals for a final determination.
- D. Shared Parking: Joint use of an off-street parking area may be permitted for two (2) or more uses located on the same, adjacent or nearby lots provided

that the number of parking spaces does not exceed the sum of the maximum number of spaces allowed for each use sharing the off-street parking area. The owners of all lots used for or making use of shared parking areas shall record a commitment that is binding on future owners of the property(s) and shall be recorded with the Antrim County Register of Deeds.

- E. Bicycle Parking: Bicycle parking shall be established for developments based on the standards for each zoning district in **Article 3**.

### 5.3.3 Access

- A. All off-street parking, loading and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street right-of-ways shall be prohibited.
- C. Access shall to off-street parking areas shall be limited to one (1) curb cut or driveway per lot.
- D. Where a parking area abuts an improved alley, access shall be obtained from the alley. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- E. Where a parking area has no access to an alley, or the alley has not been maintained or improved for access, but has access two or more streets, access shall be from the street with the lower traffic volume. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- F. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or in a residential zoning district.
- G. Cross Access Management:
  - 1. All off-street parking areas not accessed by an alley shall be designed to allow internal vehicle circulation between adjacent lots by providing a location for cross access on the site plan.
  - 2. A cross access agreement shall be recorded with the Antrim County Register of Deeds prior to the issuance of a Building Certificate of Occupancy.
  - 3. The Planning Commission may waive this requirement if deemed impractical during site plan review due to topography, natural features, or vehicular safety factors if appropriate bicycle and pedestrian connections are provided between adjacent developments and uses.

### 5.3.4 Loading Zones

- A. In all zoning districts, every building or portion thereof that is occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street loading zones.
- B. Location:
  - 1. On-site loading zones shall only be in permitted yards based on the district



standards in **Article 3**.

2. Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street right-of-ways, internal drives, and off-street parking areas.
  3. Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.
  4. Developments with rear alley access may use the alley as a loading zone.
- C. Administrative Waiver: The Zoning Administrator may approve a modification to the loading zone location or space requirements where it has been determined that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

## 5.4 EXTERIOR LIGHTING

### 5.4.1 Intent & Purpose

The provisions of this section are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky by:

- A. Encourage good lighting practices such that lighting systems are designed to save energy and money;
- B. Minimize glare;
- C. Protect the use and enjoyment of surrounding property; and
- D. Increase nighttime safety, utility, security and productivity.

### 5.4.2 Exemptions

The following uses and activities shall be exempt from the standards of this section, provided they do not create glare perceptible to persons operating motor vehicles in the public right-of-way:

- A. New Technology: The Zoning Administrator may grant exceptions to the material, light source, or method of installation standards in this section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this section.
- B. Residential Lighting: Low intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.
- C. Holiday Decorations: Provided the decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.
- D. Neon Lights: Displayed in windows or part of an approved sign.
- E. Flag Lighting: Luminaires used for the illumination of the flag of the United States of America.
- F. Temporary Lighting: Associated with an approved temporary event permitted by this Ordinance.

- G. Statutory Authority: Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this section, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations, or lighting that is only activated at the time of power outages.

**5.4.3 Shielding & Filtration**

- A. All nonexempt exterior lighting shall be hooded and/or louvered to prevent light from spilling over onto neighboring properties and rights-of-ways.
- B. All lighting fixtures shall have one hundred (100%) percent cut-off shielding that prevents light from being emitted above a horizontal plane the lowest direct light emitting part of the luminaire.
- C. Light sources shall be located as to minimize the hazards of glare, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare for the light source.

**Examples of Acceptable / Unacceptable Lighting Fixtures**



**5.4.4 Illumination**

Illumination levels within a site shall ensure that a site is adequately, but not excessively lit, in order to provide visibility, safety, and security without unnecessarily contributing to light pollution and negatively impacting neighboring properties.

- A. Intensity: The maximum intensity of light within any site shall not exceed the following standards, measured in footcandles (fc) at grade:

EXTERIOR LIGHTING ILLUMINATION STANDARDS	
Lighting Intensity Location	Maximum Intensity (fc)
At any point within the site	10.0
Average for the overall site	5.0
At any lot boundary or road right-of-way	0.5

1. Exceptions: Outdoor vehicle dealerships may permit a maximum lighting intensity of twenty (20) footcandles for paved display areas. Fuel station canopy lights may permit a maximum lighting intensity of twenty (20) footcandles under the canopy provided that all light fixtures shall be recessed into the structure. All other site lighting shall be in compliance with this Ordinance.

- B. Color Temperature: All exterior lighting shall emit light measuring 4,000 K or warmer (between 0 K and 4,000 K) on the Kelvin scale.

#### 5.4.5 Exterior Lighting Site Standards

- A. Hours of Operation: All exterior lighting shall be equipped with automatic timing devices and shall be shut off if no customers or staff are present between the hours of 10:00 pm and sunrise, except for lighting necessary for security purposes or for uses that continue after 10:00 pm.
- B. Pole Height: The maximum pole height for exterior lighting shall not exceed twenty seven (27) feet, or the maximum height of the principal building, whichever is less.
- C. Wall Pack: Wall pack lighting shall be limited to above points of ingress and egress on side and rear facades for security purposes.
- D. Prohibitions: The following light sources and fixtures shall be prohibited:
1. Unshielded luminous tube (neon), fluorescent or LED lighting used as accent lighting on facades
  2. Metal halide
  3. Mercury vapor
  4. High pressure sodium
  5. Halogen
  6. Animated, flashing or moving lights
  7. Laser sources of light
  8. Search lights

## 5.5 SIGNS

### 5.5.1 Intent & Purpose

The intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, welfare, and traffic safety. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, it also recognizes that the failure to regulate them may lead to poor identification of individual business, deterioration and blight of the business and residential areas of the Village, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this section has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
- B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
- C. To keep signs within a reasonable scale with respect to the buildings they identify;
- D. To reduce visual distractions and obstructions to motorists traveling along, entering or leaving streets;
- E. To promote a quality manner of display which enhances the character of the Village;
- F. To prevent the proliferation of temporary signs which might promote visual blight; and
- G. Promote economic development by allowing a fair opportunity for each property owner to attractively display their message in a clean and clear way.

### 5.5.2 General Requirements

- A. Permit Required: Prior to the erection or structural alteration of sign, a zoning permit shall be secured from the Zoning Administrator. Exceptions to the permit requirements of this subsection shall include:
  - 1. Address signs bearing only the property numbers, post box numbers, name of occupants, or other identification of the premises, limited to one (1) per building entrance and two (2) square feet of area.
  - 2. Historical signs designated by the state or federal government, limited to ten (10) square feet per parcel.
  - 3. Government signs erected on behalf or pursuant to the authorization of a government body, including street signs, legal notices, informational signs, and regulatory signs.
- B. Design And Condition: All signs and sign structures shall be properly maintained and kept in a good state of repair.
- C. Right-Of-Way: No sign shall be placed in the right-of-way except permitted

awning, canopy and marquee signs with approval by the agency managing the right-of-way. Small temporary signs in the NMU and DMU districts may be placed on the sidewalk during business hours in accordance with the provisions of this section, and provided the small temporary sign still allows four (4) feet of unobstructed sidewalk clearance.

- D. Clear Vision Area: No sign above three (3) feet shall be placed in any required clear vision area.
- E. Traffic Interference: No sign shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- F. The standards in this section shall not be applicable to any sign not visible from a public right-of-way.

### 5.5.3 Sign Measurements

#### A. Surface Area:

1. Signs shall not exceed the maximum allowable area permitted in this section for sign type and district or use. When not limited to one sign of a specific type, the maximum area shall be determined by the cumulative total of all the signs of a specific type.
2. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
3. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. Only one (1) face of a double-sided sign will be used to determine the area of the sign.
6. For V-shaped signs, either horizontally or vertically oriented, with interior angles greater than 90° the sign area is the sum of both sign faces; otherwise, the area is the same as for double-sided signs.

#### B. Height:

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade at the base of the sign.
2. Clearance for projecting, awning, and canopy/marquee signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural

elements.

3. The permitted maximum height for all signs is determined by the sign type and the zoning district or use in which the sign is located.

#### 5.5.4 Illumination

Internal and external illumination of signs shall be permitted for all signs except where limited or prohibited in this section, subject to the following:

- A. All illumination shall be concentrated on the area of the sign or landscape feature and directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property.
- B. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed underground in accordance with the National Electrical Code.
- C. All illumination shall emit light measuring 3,000 K or warmer (between 0 K and 3,000 K) on the Kelvin scale and shall not exceed 800 lumens.
- D. Internally illuminated signs shall have a dark background and light lettering.
- E. No sign shall include reflective materials.

#### 5.5.5 Prohibited Signs

The following signs shall be prohibited in the Village:

- A. Signs encroaching rights-of-way without road agency approval.
- B. Signs incorporating any manner of flashing, strobe, or moving lights, with the exception of approved electronic message signs.
- C. Animated Signs: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable or electronic message signs as defined and regulated by this code, include the following types:
  1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, feather flags, and/or other devices or displays that respond to naturally occurring external motivation.
  2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
  3. Flashing: Signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. Flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds one (1) hour.
- D. Signs on park-type benches, trees or utility poles
- E. Abandoned signs
- F. Inflatable signs

- G. Roof signs
- H. Pole- or pylon-mounted signs, except associated with the installation of an approved billboard sign.
- I. Portable and vehicle signs parked primarily for the purpose of attracting attention to the message contained within.
- J. Any sign unlawfully installed, erected or maintained.
- K. Signs that completely block the view of other signs.
- L. Any additional signage for a business that has an existing nonconforming sign.
- M. Signs displayed on umbrellas or table coverings used in association with outdoor dining areas.

#### 5.5.6 Nonconforming Signs

A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

- A. Expanded, altered or changed from a manual changeable letter sign to electronic changeable copy sign so as to increase the degree of nonconformity of the sign.
- B. Re-established after its discontinuance for two hundred and ninety (90) days.
- C. Continued in use after cessation or change of the business or activity to which the sign pertains.
- D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50%) percent of the appraised replacement cost, as determined by the Zoning Administrator.

#### 5.5.7 Removal Of Unsafe, Unlawful or Abandoned Signs

- A. Unsafe or Unlawful Signs: Upon written notice by Zoning Administrator, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined to be a nuisance, is deemed unsafe, or it is unlawfully erected in violation of any of the provisions of this Ordinance. The Village may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the Village may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.
- B. Abandoned Signs:
  1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within one hundred eighty (180) days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
  2. Where the owner of the property on which an abandoned sign is located

fails to remove such sign in one hundred (180) days the Village may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Village may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

### 5.5.8 Permit Application And Approval Process

- A. Application and Approval: Application forms for a zoning permit to erect, alter or move a sign shall contain or have attached to it the following information at a minimum:
  - 1. Name, address, and telephone number of the applicant.
  - 2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - 3. If proposed to be attached to a building, its proposed location on the building.
  - 4. A plot plan with dimensions of the sign, location on the lot, illumination source and method of construction and attachment to the building or placement in the ground.
  - 5. Name of person, firm, or corporation erecting the sign.
  - 6. Written consent of the owner of the building, structure, or lot to which or upon which the sign is to be erected.
  - 7. Other information as the Zoning Administrator shall require to establish compliance with this Section.
  - 8. For temporary signs, the specific dates that the sign is to be displayed.
- B. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign. If the proposed sign meets all ordinance requirements, the Zoning Administrator shall issue the sign permit within fifteen (15) days of receipt of a fully completed application.
- C. Administrative decisions made by the Zoning Administrator, which relate to signs, may be appealed to the Zoning Board of Appeals in accordance with the procedures of Article 11 of this Ordinance.
- D. Revocation and Extensions of Sign Permits:
  - 1. Any sign or other advertising structure regulated by this Ordinance which is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is otherwise not in compliance with this Ordinance shall be a violation of this Ordinance.
  - 2. If the work associated with a sign authorized under a zoning permit is not completed within one (1) year after the date of issuance, the permit shall become null and void. However, the Zoning Administrator may grant a three (3) month extension without payment of an additional fee if the extension is requested prior to the original sign permit becoming null and void.



5.5.9 Freestanding Signs


FREESTANDING SIGN STANDARDS	
Definition	Example
<p>A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure.</p>	
Regulations	
<p>A. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.</p> <p>B. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.</p>	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	Residential Use: 2	4	1 / parcel	<ul style="list-style-type: none"> <li>• Illumination prohibited</li> <li>• Min. 10 ft setback from ROW</li> </ul>	Yes
	Non-Residential Use: Illuminated – 20 Unilluminated – Bonus 10	6	1 / parcel	<ul style="list-style-type: none"> <li>• External illumination only</li> <li>• Bonus area applies only when entire sign is unilluminated</li> <li>• Min. 10 ft setback from ROW</li> </ul>	Yes
FR	Residential (1-4 dwellings): 2	4	1 / parcel	<ul style="list-style-type: none"> <li>• Illumination prohibited</li> <li>• Min. 5 ft setback from ROW</li> </ul>	Yes
	All Other Uses: Illuminated – 20 Unilluminated – Bonus 10	6	1 / parcel	<ul style="list-style-type: none"> <li>• External illumination only</li> <li>• Bonus area applies only when entire sign is unilluminated</li> <li>• Min. 5 ft setback from ROW</li> </ul>	Yes
NMU	Illuminated – 20 Unilluminated – Bonus 10	6	1 / parcel	<ul style="list-style-type: none"> <li>• External illumination only</li> <li>• Bonus area applies only when entire sign is unilluminated</li> <li>• Min. 5 ft setback from ROW</li> </ul>	Yes
DMU	---	---	---	<ul style="list-style-type: none"> <li>• Freestanding signs prohibited</li> </ul>	---

ARTICLE 5 Site Development Standards


FREESTANDING SIGN STANDARDS					
C	Illuminated – 32 Unilluminated – Bonus 8	15	1 / parcel	<ul style="list-style-type: none"> <li>Centered on lot to greatest extent possible</li> <li>Bonus area applies only when entire sign is unilluminated</li> <li>Min. 5 ft setback from ROW</li> <li>Min. 25 ft setback from property zoned residential</li> </ul>	Yes
LIW	Illuminated – 32 Unilluminated – Bonus 8	15	1 / parcel	<ul style="list-style-type: none"> <li>Centered on lot to greatest extent possible</li> <li>Bonus area applies only when entire sign is unilluminated</li> <li>Min. 5 ft setback from ROW</li> <li>Min. 25 ft setback from property zoned residential</li> </ul>	Yes
PSP	Illuminated – 32 Unilluminated – Bonus 8	6	1 / parcel	<ul style="list-style-type: none"> <li>Centered on lot to greatest extent possible</li> <li>Bonus area applies only when entire sign is unilluminated</li> <li>Min. 10 ft setback from ROW</li> </ul>	Yes

5.5.10 Wall Signs


WALL SIGN STANDARDS	
Definition	Example
<p>A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. Also known as a fascia sign, parallel wall sign, or band sign.</p>	
Regulations	
<p>A. No portion of a wall sign shall extend out more than twelve (12) inches from the building wall on which it is affixed.</p>	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	Residential Use: 4	8	---	• Illumination prohibited	Yes
	Non-Residential Use: 20% of façade, not to exceed 50 sq ft	12	---	• Illumination prohibited	Yes
FR	Residential (1-4 dwellings): 4	8	---	• Illumination prohibited	Yes
	All Other Uses: 20% of façade, not to exceed 50 sq ft	12	---	• Illumination prohibited	Yes
NMU	20% of façade, not to exceed 75 sq ft	12	---	• External illumination permitted • Internal illumination permitted if not facing residential zoning district or use	Yes
DMU	20% of façade, not to exceed 100 sq ft	12	---	• External illumination permitted • Internal illumination permitted if not facing residential zoning district or use	Yes
C	20% of façade, not to exceed 100 sq ft	12	---	• External illumination permitted • Internal illumination permitted if not facing residential zoning district or use	Yes
LIW	20% of façade, not to exceed 100 sq ft	12	---	• External illumination permitted • Internal illumination permitted if not facing residential zoning district or use	Yes
PSP	20% of façade, not to exceed 100 sq ft	12	---	• External illumination only	Yes

### 5.5.11 Awning Signs


AWNING SIGN STANDARDS					
Definition			Example		
<p>A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.</p>					
Regulations					
<p>A. An awning without lettering or other advertising shall not be regulated as an awning sign.</p> <p>B. Must be centered within or over architectural elements such as windows or doors.</p> <p>C. Limited to 1<sup>st</sup> floor and shall be a minimum of 8 feet above the finished grade.</p> <p>D. Shall not encroach more than 4 feet into the right-of-way and must be setback at least 6 feet from the curb line.</p> <p>E. Any awning sign encroaching into a street right-of-way shall require right-of-way agency approval.</p> <p>F. Illumination prohibited</p> <p>G. Awnings displaying signs shall be subject to the awning standards in <b>Article 3</b></p>					
District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	---	---	---	• Awning signs prohibited	---
FR	---	---	---	• Awning signs prohibited	---
NMU	50% of awning area	---	---	---	Yes
DMU	50% of awning area	---	---	---	Yes
C	50% of awning area	---	---	---	Yes
LIW	50% of awning area	---	---	---	Yes
PSP	50% of awning area	---	---	---	Yes

### 5.5.12 Canopy / Marquee Signs

CANOPY / MARQUEE SIGN STANDARDS	
Definition	Example
<p>A sign on a structure other than an awning made of fabric, metal, or other material that may be supported by columns or posts affixed to the ground and may also be connected to a building, or supported by and projecting from a building, and providing protection from the elements.</p>	
Regulations	
<p>A. Signage shall only be allowed on the valance area of a canopy or marquee.                  B. Must be centered within or over architectural elements such as windows or doors.                  C. Limited to 1<sup>st</sup> floor and shall be a minimum of 8 feet above the finished grade.                  D. Shall not encroach more than 4 feet into the right-of-way and must be setback at least 6 feet from the curb line.                  E. Any canopy / marquee sign encroaching into a street right-of-way shall require right-of-way agency approval.</p>	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	---	---	---	• Canopy / marquee signs prohibited	---
FR	---	---	---	• Canopy / marquee signs prohibited	---
NMU	90% of valance area	---	---	• Internal illumination only	Yes
DMU	90% of valance area	---	---	• Internal illumination only	Yes
C	90% of valance area	---	---	• Internal illumination only	Yes
LIW	---	---	---	• Canopy / marquee signs prohibited	---
PSP	90% of valance area	---	---	• Internal illumination only	Yes

### 5.5.13 Projecting Signs


PROJECTING SIGN STANDARDS					
Definition			Example		
<p>A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee.</p>					
Regulations					
<p>A. No portion of a projecting signs shall project more than 4 feet from the face of the building.                      B. Projecting signs shall be a minimum of 8 feet above the finished grade.                      C. Illumination is prohibited.                      D. Projecting signs under an arcade, canopy or covered porch outside of the right-of-way shall not count towards the maximum square footage allowed.                      E. Any projecting sign encroaching into a street right-of-way shall require right-of-way agency approval.</p>					
District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	---	---	---	• Projecting signs prohibited	---
FR	---	---	---	• Projecting signs prohibited	---
NMU	8	12	1 / business for each street-facing facade	• Maximum square footage is for each sign allowed	Yes
DMU	8	12	1 / business for each street-facing facade	• Maximum square footage is for each sign allowed	Yes
C	---	---	---	• Projecting signs prohibited	---
LIW	---	---	---	• Projecting signs prohibited	---
PSP	---	---	---	• Projecting signs prohibited	---

5.5.14 Window Signs

WINDOW SIGN STANDARDS	
Definition	Example
<p>Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.</p>	
Regulations	
<ul style="list-style-type: none"> <li>A. Illumination shall be prohibited except for neon signs in non-residential zoning districts.</li> <li>B. Translucent or semi-transparent window signs shall be counted toward the total area limits.</li> <li>C. Shall be limited to 1<sup>st</sup> floor windows.</li> </ul>	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	25% of each window	---	---	---	---
FR	25% of each window	---	---	---	---
NMU	25% of each window	---	---	---	---
DMU	25% of each window	---	---	---	---
C	25% of each window	---	---	---	---
LIW	25% of each window	---	---	---	---
PSP	25% of each window	---	---	---	---

5.5.15 Electronic Message Signs

ELECTRONIC MESSAGE SIGN STANDARDS					
Definition			Example		
<p>A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.</p>					
Regulations					
<p>A. Electronic message signs shall be limited to freestanding or wall signs as specified in this subsection.</p> <p>B. Electronic message sign area shall count towards total allowable area for freestanding or wall signs</p> <p>C. Electronic message signs occupying both sides of a double-sided freestanding sign shall count as one electronic message sign.</p> <p>D. <b>Message Display:</b></p> <p>E. Animated, pulsing, streaming, flashing and scrolling messages shall be prohibited.</p> <p>F. Messages shall transition instantly with no transition graphics at a minimum interval of 30 seconds.</p> <p>G. All messages shall have a dark background with light message content, with each message having the same light intensity.</p> <p>H. Shall contain a default design that freezes the message if a malfunction should occur.</p> <p>I. Prohibited from being incorporated into a non-conforming sign.</p>					
District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	10	6	1 / parcel	<ul style="list-style-type: none"> <li>Limited to freestanding signs for non-residential uses</li> <li>Shall only be installed as a freestanding sign and shall count towards max. area of allowable freestanding signage</li> </ul>	Yes
FR	10 - not to exceed 30% of allowable freestanding sign area	6	1 / parcel	<ul style="list-style-type: none"> <li>Limited to freestanding signs for non-residential uses</li> <li>Shall only be installed as a freestanding sign and shall count towards max. area of allowable freestanding signage</li> </ul>	Yes
NMU	8	12	1 / parcel	<ul style="list-style-type: none"> <li>Limited to wall signs</li> </ul>	Yes
DMU	8	12	1 / parcel	<ul style="list-style-type: none"> <li>Limited to wall signs</li> </ul>	Yes
C	16	15	1 / parcel	<ul style="list-style-type: none"> <li>Limited to freestanding signs</li> <li>Shall only be installed as a freestanding sign and shall count towards max. area of allowable freestanding signage</li> </ul>	Yes



**ARTICLE 5 Site Development Standards**


ELECTRONIC MESSAGE SIGN STANDARDS					
LIW	16	15	1 / parcel	<ul style="list-style-type: none"> <li>Limited to freestanding signs</li> <li>Shall only be installed as a freestanding sign and shall count towards max. area of allowable freestanding signage</li> </ul>	Yes
PSP	16	15	1 / parcel	<ul style="list-style-type: none"> <li>Limited to freestanding signs</li> <li>Shall only be installed as a freestanding sign and shall count towards max. area of allowable freestanding signage</li> </ul>	Yes

**5.5.16 Small Temporary Signs**

SMALL TEMPORARY SIGN STANDARDS	
Definition	Example
<p>A type of non-permanent, sign that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display.</p>	
Regulations	
<p>A. Small temporary signs may be permitted in the right-of-way in the NMU and DMU districts subject to all applicable standards of this ordinance, but shall be removed at the close of business each day.</p>	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	8	4	---	<ul style="list-style-type: none"> <li>Illumination prohibited</li> </ul>	No
FR	8	4	---	<ul style="list-style-type: none"> <li>Illumination prohibited</li> </ul>	No
NMU	8	4	---	<ul style="list-style-type: none"> <li>Illumination prohibited</li> <li>Signs permitted in the right-of-way shall be removed at the close of business</li> </ul>	No
DMU	8	4	---	<ul style="list-style-type: none"> <li>Illumination prohibited</li> <li>Signs permitted in the right-of-way shall be removed at the close of business</li> </ul>	No
C	12	6	---	<ul style="list-style-type: none"> <li>Illumination prohibited</li> </ul>	No
LIW	12	6	---	<ul style="list-style-type: none"> <li>Illumination prohibited</li> </ul>	No
PSP	12	6	---	<ul style="list-style-type: none"> <li>Illumination prohibited</li> </ul>	No


### 5.5.17 Large Temporary Signs

LARGE TEMPORARY SIGN STANDARDS	
Definition	Example
<p>A type of non-permanent sign, permitted to be larger than a small temporary sign, that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display.</p>	
Regulations	
<p>A. Shall be located no closer to the side property line than the principal building.                  B. Large temporary signs may be displayed up to a maximum of thirty (30) consecutive days, and no more than sixty (60) days total in a calendar year.</p>	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
VR	16	4	---	• Illumination prohibited	Yes
FR	16	4	---	• Illumination prohibited	Yes
NMU	16	4	---	• Illumination prohibited • Signs permitted in the right-of-way shall be removed at the close of business	Yes
DMU	16	4	---	• Illumination prohibited • Signs permitted in the right-of-way shall be removed at the close of business	Yes
C	24	6	---	• Illumination prohibited	Yes
LIW	24	6	---	• Illumination prohibited	Yes
PSP	24	6	---	• Illumination prohibited	Yes

### 5.5.18 Reserved

5.5.19 Billboards

BILLBOARD SIGN STANDARDS	
Definition	Example
An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located.	

Findings

The Village has made the following determinations related to billboards:

- A. The placement of signs on lots or structures in the Village that exceed the maximum permitted standards of this Section for free-standing signs would result in visual pollution and obstructions of light and air for adjoining lots and uses.
- B. Billboard signs are not appropriate in areas zoned for residential uses because the intense nature of the display activity would be harmful to residential property values and incompatible with residential neighborhood quality of life.
- C. Billboard signs are not appropriate in the Village’s commercial districts because such signs would be out-of-scale with the structures and limited commercial character of the districts, incompatible with abutting residential uses, and harmful to the promotion of commerce in the districts.
- D. Unrestricted display of billboard signs along the arterial streets and thoroughfares in the Village would create visual clutter, compete for the visual attention, and contribute to an undesirable aesthetic throughout the Village.

Regulations

**Location:** Billboards shall be limited to the following locations:

- A. All billboards shall be limited to the LIW district parcels with direct frontage on a state highway.

**Spacing and Setbacks:** All billboards shall meet the following spacing and setback requirements:

- A. Setback at least one hundred (100) feet from any existing freestanding sign.
- B. Setback a minimum of fifty (50) feet from any property line.
- C. Setback at least five hundred (500) feet from any residential zoning district.
- D. Setback at least five hundred (500) feet from any school, religious institution, hospital, cemetery or government building.
- E. Minimum spacing between billboards on the same side of the right-of-way shall be one thousand (1,000) feet.

**Illumination:** All illuminated billboards shall meet the following standards:

- A. Except billboards containing electronic message signs as regulated below, all billboards shall be externally illuminated with downward facing, shielded light fixtures.
- B. Billboard illumination shall be limited to a maximum of 4,200 candelas per meter squared beginning one hour after sunrise and continuing until one hour before sunset, and not greater than 200 candelas per meter squared all other times.
- C. Electronic message signs shall be permitted to occupy the entire allowable area of the billboard, but shall meet all the electronic message display standards of this section. Electronic message signs shall be prohibited from being incorporated into any nonconforming billboard.

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
LIW	200	30	1 / parcel	• See above	Yes

## 5.6 STORMWATER MANAGEMENT

### 5.6.1 Intent & Purpose

The purpose of this section is to provide adequate measures for the retention, detention, and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality during development.

### 5.6.2 Applicability

No development, other than one, two, three, four family residential structures and development in the DMU zoning district, shall take place except in conformity with an approved stormwater management plan.

### 5.6.3 Stormwater Management Facilities

- A. Level of Service Standard: Stormwater detention shall mitigate peak flow rates to predevelopment or existing development conditions.
- B. Low Impact Development Stormwater Management: Low Impact Development (LID) stormwater management techniques are a set of small-scale stormwater management practices which mimic and work with nature to reduce water runoff and pollutants, and provide a natural open space while reducing the site development area necessary for a traditional stormwater basin. For example, required landscaping areas may also function as bio-swales or retention basins. All projects shall incorporate low impact development (LID) water quality technologies. LID water quality technologies shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures will be required on site as a component of the overall stormwater plan. The Planning Commission has the authority to determine the type of LID that will be used as part of the approval process.
- C. Pretreatment Facilities: Where stormwater will be directed to municipal storm sewer systems, the use of pre-treatment structures such as oil-water separators shall be required.
- D. Maintenance: On-site detention facilities shall be privately owned and shall be maintained in their designed state. A maintenance schedule may be required by the Village prior to approval of a site plan.

## 5.7 NON-MOTORIZED TRANSPORTATION

### 5.7.1 Intent & Purpose

Safe, non-motorized transportation options shall provide public access within the Village through sidewalks and shared-use pathways.

### 5.7.2 Applicability

All new development, re-development, and amendments to previously approved site plans, including substantial additions or improvements to existing buildings with a construction cost of twenty thousand dollars (\$20,000) or more within a twelve (12) month period in the C: Commercial District or as required by an approved site plan, special use permit or planned unit development shall be required to provide adequate non-motorized transportation options as prescribed in this Section.

### 5.7.3 General Standards

- A. Frontage Sidewalks: All parcels shall have sidewalks that extend across the entire frontage of the property and shall align with any existing sidewalks on adjacent parcels. All frontage sidewalks shall:
  - 1. Be constructed within the street right-of-way as long as a minimum of ten (10) feet from the curb or pavement edge of the street is maintained, or five (5) feet from the edge of an on-street parking area. If insufficient right-of-way exists, then frontage sidewalks may be located on private property with an appropriate public access easement recorded prior to issuing a zoning permit.
  - 2. Be constructed along both street right-of-ways for corner parcels.
  - 3. Be a minimum of five (5) feet wide along all road rights-of-way.
  - 4. Be constructed of concrete and have a minimum thickness of four (4) inches, except in areas crossed by vehicular traffic which shall have a minimum thickness of six (6) inches.
- B. Interior Sidewalks: For safety purposes, sidewalks shall be constructed within the interior of any development to link buildings with other destinations, such as, but not limited to, parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways, and on-site amenities, such as recreation and common areas. All interior sidewalks shall:
  - 1. Be a minimum of four (4) feet wide.
  - 2. Be constructed of concrete and have a minimum thickness of four (4) inches, except in areas crossed by vehicular traffic which shall have a minimum thickness of six (6) inches.
- C. Shared-Use Pathways: The Planning Commission may approve the use of shared-use pathways as part of the site plan as a means of providing non-motorized transportation options. All shared-use pathways shall be constructed to the American Association of State Highway Transportation Officials (AASHTO) standards.
- D. Sidewalks and shared-use paths shall maintain their grade and not decline in elevation to meet driveways, but rather driveways shall meet the grade of sidewalks and shared-use paths.
- E. All reasonable effort shall be made to avoid cutting trees when placing a sidewalks or shared-use pathways.
- F. The Planning Commission may modify a non-motorized transportation requirement of this Section or the proposed design as submitted by the developer, upon review of a site plan or under the recommendation of the Village Engineer, Zoning Administrator or Planner.
- G. When required, permits must be obtained from the Michigan Department of Transportation or the Antrim County Road Commission.
- H. Sidewalk and shared-use pathway maintenance, including replacement in the case of inadequate construction, unsafe, defective, or nonconforming design, as

## ARTICLE 5 Site Development Standards

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determined by the Zoning Administrator, shall be the responsibility of the parcel owner, or adjacent parcel owner if constructed in the street right-of-way.

## ARTICLE 6

# Supplemental Use Standards

# 6

- 6.1. Intent & Purpose
- 6.2. Accessory Dwelling Units
- 6.3. Automobile Repairs - Major
- 6.4. Automobile Repairs - Minor
- 6.5. Automobile Sales & Rentals
- 6.6. Automobile Service Stations
- 6.7. Bed & Breakfast Inns
- 6.8. Boarding Rooms
- 6.9. Bungalow / Cottage Courts
- 6.10. Campgrounds
- 6.11. Contractor Storage Yards
- 6.12. Drive-In or Drive-Through Services
- 6.13. Extractive Industries
- 6.14. Home Occupations
- 6.15. Kennels
- 6.16. Off-Site Public & Private Parking Facilities
- 6.17. Sexually Oriented Businesses
- 6.18. Solar Energy Farms
- 6.19. Telecommunication Towers

## 6.1 INTENT & PURPOSE

It is the purpose of this Article to provide regulations for miscellaneous and other requirements that may or may not apply in all zoning districts. In addition to the applicable standards elsewhere in this Ordinance, the following standards apply to specific uses.

## 6.2 ACCESSORY DWELLING UNITS

Accessory dwelling units (ADU's) are intended to provide flexible housing options in the Village by allowing homeowners to establish a second dwelling unit on their property. ADU's are subject to the following standards:

- A. ADU's shall be limited to permitted districts and properties with single-family dwelling units as the principal use. ADU's shall be subordinate to the single-family dwelling unit.
- B. The owner of the property shall live on site, either in the principal dwelling unit or the accessory dwelling unit.
- C. ADU's shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.
- D. ADU's may be attached to the single-family dwelling unit and may occupy a basement, first floor or second floor of the principal dwelling, or may occupy a separate, detached accessory building.
- E. All ADU's shall meet applicable building and fire codes.
- F. Building materials and designs used on detached ADU's or additions to the principal dwelling for an attached ADU, shall be of similar style as that of the principal dwelling.
- G. The minimum size living shall be three hundred (300) square feet.
- H. The maximize size shall not exceed eight hundred (800) square feet, or the size of the principal dwelling unit, whichever is less.

## 6.3 AUTOMOBILE REPAIRS – MAJOR

- A. All repairs shall be conducted within an enclosed building or within a screened area in the rear or side yards.
- B. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround all areas designated for the temporary outdoor storage of equipment and materials or repairs. The finished side of any fence or wall shall face adjacent properties.
- C. Outside noise shall not exceed sixty (60) dba at the property line.
- D. Required parking spaces shall not be used for vehicle storage or repairs.
- E. The selling of vehicles and trailers shall be prohibited on site.
- F. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

## 6.4 AUTOMOBILE REPAIRS – MINOR



- A. All repairs shall be conducted within an enclosed building.
- B. Outside noise shall not exceed sixty (60) dba at the property line.
- C. Required parking spaces shall not be used for vehicle storage or repairs.
- D. The selling of vehicles and trailers shall be prohibited on site.
- E. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

## 6.5 AUTOMOBILE SALES & RENTALS

Outdoor sales space for the exclusive sale, lease or rental of new or used automobiles, recreational vehicles, boats, trailers or similar items shall be subject to the following:

- A. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
- B. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- C. No major automobile repair, as defined in this Ordinance, shall be done on the lot.
- D. All exterior site lighting shall be subject to the applicable requirements of Article 5.
- E. Elevated display stands of vehicles are prohibited.
- F. The minimum lot frontage requirement of a parcel for outdoor sales space for the exclusive sale, lease, or rental of new or used automobiles, recreational vehicles, boats, or trailers shall be one hundred (100) feet.
- G. A minimum eight-foot-wide landscape area shall be provided between the sidewalk or property line, whichever is greater, and the parking or display area of the vehicles.
- H. All parking and display spaces shall have a raised curb or parking block located to prevent cars from parking on the lawn panel, grass, etc. Parking blocks shall be seventy two (72) inches long, eight (8) feet wide and five (5) inches tall.
- I. No vehicles shall be parked or displayed in any yard setback.
- J. No more than two (2) such uses shall be permitted within four hundred (400) feet of each other.

## 6.6 AUTOMOBILE SERVICE STATIONS

- A. Enclosed Building: All accessory uses and services shall be conducted within a completely enclosed building with the exception of vacuuming stations which may be permitted outside but shall be a minimum of twenty five (25) feet from and property line of a residential district or use.
- B. Minimum Site Size: 15,000 square feet.
- C. Site Location: The proposed site shall have at least one property line on a major

thoroughfare. The automotive services site, or sites, shall be located where it can be away from patterns of pedestrian circulation and have direct unencumbered access to traffic arteries.

- D. Curbing and Paving: A raised curb of at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The area used for servicing vehicles within the automotive services property lines shall be paved with a permanent surface of concrete or asphalt.
- E. All hazardous materials resulting from the repair operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

### 6.7 BED & BREAKFAST INNS

A bed and breakfast inn shall meet the following standards:

- A. The exterior of the structure shall not be altered from its single family character and appearance.
- B. There shall be no separate or additional kitchen facility or facilities for guests.
- C. Parking shall be provided on the lot in accordance with the provisions required for this use.
- D. The number of rental rooms permitted shall depend on the ability of the lot to accommodate parking at one space per room in accordance with the provisions of this Ordinance.

### 6.8 BOARDING ROOMS

Renting of rooms within single-family detached dwellings shall be permitted subject to the following conditions:

- A. The exterior of the structure shall not be altered from its single family character and appearance.
- B. There shall be no separate or additional kitchen facility or facilities for roomers.
- C. Parking shall be provided on the lot in accordance with the provisions of this district.
- D. On-site parking shall be provided at one space per room in accordance with the provisions of this Ordinance.
- E. The number of rental rooms shall not exceed two (2) per single family detached dwelling.

### 6.9 BUNGALOW / COTTAGE COURTS

Bungalow or cottage courts shall be designed to meet the following development standards:

ARTICLE 6 Supplemental Use Standards

BUNGALOW / COTTAGE COURTS	
<b>Setbacks</b>	
Front	10 ft
Side	10 ft
Rear	15 ft
Between Units	5 ft
<b>Area Requirements</b>	
Minimum Lot Size	2,000 sq ft / dwelling unit
Maximum Density	21.78 dwelling units / acre
<b>Building Requirements</b>	
Minimum Square Feet	400 sq ft
Maximum Square Feet	1,000 sq ft
Minimum Number of Buildings	3
Maximum Number of Buildings	---
Maximum Finish Floor Elevation Above Grade	18 inches
Entrance	Each unit shall be have an entrance facing the court with direct sidewalk connectivity from the unit to the street.
Parking	Parking prohibited between dwelling units and court, and between development and right-of-way
<b>Required Open Space</b>	
Minimum Area	400 sq ft / dwelling unit
Limitations	Required setbacks, stormwater management facilities, driveways and parking stalls shall not be included in the minimum open space calculations.
Orientation	Each court shall open directly to a street.
<b>Examples (for illustrative purposes only)</b>	



6.10 CAMPGROUNDS

- A. Site design and development shall comply with the provisions of PA 171 of 1970, as amended
- B. All state requirements regarding campgrounds shall be met.
- C. No travel campground shall be located except with direct access to a major thoroughfare, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit.
- D. No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.

- E. The minimum lot area per park shall be ten (10) acres with a maximum of one hundred (100) acres.
- F. Spaces in travel parks used by recreational vehicles and structures shall be rented by the day or week only. Under no circumstance shall an occupant remain in the same trailer park for a period of thirty (30) days or more in a calendar year.
- G. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground may be permitted as accessory uses provided the following conditions can be met:
  - 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10%) percent of the area of the campground.
  - 2. Such establishments shall be restricted in their use to occupants of the campground.
  - 3. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the campground.
  - 4. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any public road highway.
  - 5. Setback spaces shall be occupied by plant materials and appropriately landscaped.
  - 6. The campground site plan shall be subject to the review and approval of the Health Department of Northwest Michigan and other applicable agencies.

### **6.11 CONTRACTOR STORAGE YARDS**

- A. No equipment or materials shall be stored in the required front, side or rear setbacks.
- B. If a building exists on a parcel, the outdoor storage of equipment and materials shall only occur in the side or rear yards.
- C. An opaque fence or masonry wall with a minimum height of six (6) feet shall surround all areas designated for the outdoor storage of equipment and materials. The finished side of any fence or wall shall face adjacent properties.

### **6.12 DRIVE-IN OR DRIVE-THROUGH SERVICES**

- A. Ingress and egress points shall be located no closer than sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Driveways shall be limited to one (1) per parcel.
- B. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- C. A drive-through window shall provide queuing spaces for each drive-through window.

### **6.13 EXTRACTIVE INDUSTRIES**

- A. All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- B. The Village Council may require the applicant to file a performance bond of sufficient amount to assure completion of the work following excavation, as required by this

Section.

- C. No fixed machinery shall be erected or maintained within one hundred (100) feet of any property or street line.
- D. The use shall be enclosed by a fence or suitable plantings six (6) feet or more in height for the entire periphery of the property.
- E. No slope shall exceed an angle with the horizontal of forty five degrees (45°).
- F. At all stages of operations, pits or quarries shall be completely and continually drained of water when not in use or supervised by a watchman. All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.
- G. No building shall be erected on the premises except as temporary shelter for machinery or field office.
- H. The Village Council shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the Village. That portion of access roads within the area of operation shall be provided with a dustless surface.
- I. All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the Village in general.
- J. Proper measures, as determined by the Village Council, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling excavating materials on the site.
- K. When excavation and removal operations are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three (3) to one (1) in horizontal-vertical gradient. A layer of gravel topsoil shall be spread over the excavated areas to minimum depth of four inches in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial rye grass, or other similar soil-holding material, and maintained by the applicant until the area is stabilized.

#### 6.14 HOME OCCUPATIONS

Home occupations may be carried on in a dwelling or accessory building to that dwelling under the following conditions:

- A. Customary home occupations such as instruction in a craft or fine art, cottage industries, specialty catering, professional offices, dress-making, bookkeeping, accounting, real estate, and insurance sales and similar gainful employment shall only be permitted.
- B. Home occupations shall only be permitted when carried on by the occupant of the dwelling.
- C. A home occupation shall not be allowed if the essential character of a lot or building within a zoning district (in terms of use, traffic generation, noise, odor, vibration, electrical interference or appearance, including signage) is changed by the home occupation.
- D. A home occupation shall not be allowed that commonly has regularly scheduled

appointments arriving on a frequent basis within an interval of two hours or less.

- E. The area utilized for the home occupation shall not exceed twenty five (25%) percent of the floor area of one story of the dwelling whether or not the dwelling or an accessory building is so utilized.
- F. All activities involved in the home occupation (other than parking) shall take place within the dwelling or accessory building.
- G. Professional offices shall be occupied by not more than one professional practitioner with no more than one full time equivalent employee unless all additional persons employed are members of the family occupying the principal structure.
- H. No retail or other sales shall be permitted on the premises unless they are clearly incidental and directly related to the conduct of the home occupation.
- I. The principal use of the parcel shall be a dwelling and the operator of a home occupation shall make the dwelling unit within which the home occupation is conducted his or her legal and primary place of residence, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.
- J. All building, housing, fire and other local or state codes and ordinances shall be adhered to for home occupations.

#### 6.15 KENNELS

- A. The property shall meet the minimum standards of the Ordinance for lot area and frontage.
- B. The applicant shall declare the maximum number of animals intended to be housed at the facility, measures for noise control, methods for exercise, waste disposal, location of outdoor structures, and fencing.
- C. All structures that are used for animal occupancy shall be a minimum of thirty feet from property lines and located in the rear of the property.

#### 6.16 OFF-SITE PUBLIC & PRIVATE PARKING FACILITIES

- A. Ingress and Egress: All points of ingress and egress shall be positioned as to not create a nuisance from noise, vehicle lights or other disturbances to adjacent residentially zoned properties or uses.
- B. Surface Parking Lots: All public or private surface parking lots shall be completely screened on all sides with a landscape hedge, masonry wall, opaque fence or combination thereof that shall have a minimum height of three feet six inches (3' 6").
- C. Parking Structures: Parking structures in which all parking is completely enclosed within a structure shall be exempt the screening requirements of surface parking lots. The architecture of the parking structure shall be consistent and/or compatible with the development of the surrounding neighborhood.

#### 6.17 SEXUALLY ORIENTED BUSINESSES

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude,

sexually oriented businesses within the Village, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Village residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Village Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Village intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Village further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, religious institution, public park, state licensed child care facility, or residential zoning district.
- C. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in subsection (B) above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Village of Mancelona and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons

under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”

- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
  - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
  - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - 4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
  - 5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

## 6.18 SOLAR ENERGY FARMS

### 6.18.1 Intent & Purpose

To allow and promote the use of solar energy within the Village as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar energy farm facilities subject to reasonable conditions that will protect the residents’ public health, safety and welfare. These regulations establish the minimum requirements for solar energy farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.

### 6.18.2 Standards

- A. Minimum Lot Size: There is no minimum lot size. Each solar energy farm is permitted as a use authorized by special land use permit which review will consider its appropriateness with the context of the surrounding area.
- B. Height Restrictions: All photovoltaic solar panels and support structures located in a solar energy farm shall be restricted to a maximum height of sixteen (16) feet when orientated at maximum tilt.
- C. Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be set back a minimum of fifty (50) feet from all property lines. If the right-of-way exists as an easement, the fifty (50) foot setback shall be measured from the edge of the easement. Solar



panels shall be kept at least two hundred (200) feet from an existing residential dwelling, measured to the nearest point on the residential structure. Any additional setback requirements in this Ordinance that exceed this requirement shall be adhered to, including but not limited to setbacks from streams, lakes, and wetlands.

- D. Maximum Lot Coverage: maximum lot coverage restrictions shall not apply to the photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.
- E. Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special zoning permit approval process) shall be placed around the perimeter of the solar energy farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for security personnel access.
- F. Noise: No solar energy farm shall exceed sixty (60) dBA as measured at the property line.
- G. Glare: Solar energy farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or right-of-ways at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
- H. Landscaping: The special zoning permit application for a solar energy farm shall include a proposed landscape plan prepared by a licensed landscape architect. This plan will be reviewed through the special zoning permit approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road right-of-ways. A landscape plan shall meet following standards:
  - 1. Plans: A plan view that meets the landscape plan requirements in **Article 5** of the entire project and a rendered view illustrating the view from public rights-of-ways.
  - 2. Buffer: A twenty-five (25) foot wide landscape buffer shall consist of two (2) rows of staggered evergreen trees that at planting shall be a minimum of four (4) feet in height. If a solar energy farm is adjacent to a residential dwelling or district, then the minimum height shall be eight (8) feet at the time of planting. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center, measured from the central trunk of one tree to the central trunk of the next tree. The buffer shall also consist of native grasses, wildflowers, or plants which will provide wildlife and pollinator habitat, soil erosion protection, and/or aid in strengthening the soil structure. The buffer shall be required under the following conditions:
    - a. Along the property line adjacent to all residential zoning districts
    - b. If solar panels are located within two hundred (200) feet of a public road right-of-way
    - c. Along the property line for the portion of the project within a two hundred (200) foot radius of a residential dwelling in a non-residential zoning district

3. Credit for Existing Conditions: Existing topographical features and existing wooded areas may be accepted in lieu of or in combination with the above by approval of the Planning Commission.
  4. Planting Timeline: The required trees shall be planted between April 1<sup>st</sup> and September 15<sup>th</sup>. If construction of the solar energy farm begins after August 15<sup>th</sup>, the required plantings shall be installed by May 1<sup>st</sup> the following calendar year.
  5. Financial Guarantee: A bond, letter of credit, or cash surety shall be provided in the amount equal to one and one-half (1.5) times the cost of the required plantings that the Village shall hold until the next planting season.
  6. Maintenance: The required plantings shall be continuously maintained in a healthy condition. Dead evergreen foliage shall be replaced.
- I. Local, State, and Federal Permits: Solar energy farms shall be required to obtain all necessary permits and licensing from the Village of Mancelona, Antrim County, State of Michigan, and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.
  - J. Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.

### 6.18.3 Application Requirements

In addition to the site plan review criteria in **Article 7** and special land use permit criteria in **Article 8**, the applicant shall address the following topics in the application for a solar energy farm facility:

- A. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
- B. Analysis of On-Site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.
- C. Visual Impacts: Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
- D. Environmental Analysis: Identify impacts on surface and ground water quality and any impacts to established natural or constructed drainage features in the area.
- E. Waste: Identify any solid or hazardous waste generated by the project.
- F. Lighting: Provide photometric plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.

- G. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar energy farm access drives. It shall be required to pave and curb any driveways and parking lots used for occupied offices that are located on site.
- H. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public right-of-ways and to the general public that may be created.
- I. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.
- J. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated.
- K. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project. To ensure proper removal of the project upon abandonment/termination, a bond, letter of credit or cash surety shall be:
  - 1. In an amount approved by the Village Council to be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments;
  - 2. Based on an estimate prepared by the engineer for the applicant, subject to approval of the Village Council. Provided to the Village prior to the issuance of a zoning permit;
  - 3. Used in the event the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project. The Village, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

## 6.19 TELECOMMUNICATIONS TOWERS

### 6.19.1 Intent & Purpose

The intent of this Section is to ensure commercial and governmental communication towers are constructed and placed in a manner which will protect public health, safety and welfare, and where impact on the surrounding community will be minimized.

### 6.19.2 Applicable Standards

Communication towers are permitted, through the Special Land Use Permit process, if all of the following requirements are met:

- A. The communication tower is located in the C, LIW, or PSP district, or on property owned by Village government.

## ARTICLE 6 Supplemental Use Standards

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- B. The communication tower complies with all applicable FCC and FAA regulations, and all applicable building codes.
- C. Communication towers are not to exceed the minimum height needed for the intended purpose. This height must be determined via propagation prediction software or actual field strength measurements. These reports are to be provided to the Village for review during the application process. However, under no circumstance may a tower be higher at its highest point than seventy five (75) feet in the C district, eighty five (85) feet in the PSP district and ninety five (95) feet in the LIW district. Total height is defined as measured from the pre-construction grade elevation to the highest point on the tower including any attached antennas.
- D. Communication towers must be sited a distance equal to at least seventy five (75%) percent of the total height of the tower, from any adjoining lot line.
- E. Supports, guys, and accessory buildings must adhere to minimum zoning district setback requirements.
- F. The design of buildings, cabinets, and all other structures related to communication towers shall incorporate materials, colors, textures, and screening and landscaping, that causes them to blend into the natural setting and/or surrounding buildings, and shall be screened from the view of adjacent properties and streets.
- G. Existing mature trees and natural land grades on the site are to be preserved to the maximum extent possible..
- H. The tower shall not use blinking or flashing lights or strobes, unless mandated by the FAA. If lighting is required, the lighting must cause the least disturbance to all surrounding properties and views.
- I. Any tower that is not in operation for a continuous period of twelve (12) months is considered abandoned, and the owner must remove the same within ninety (90) days of receipt of notice from the Village.

# ARTICLE 7

## Site Plan Review



- 7.1. Intent & Purpose
- 7.2. General Requirements
- 7.3. Standards for Site Plan Approval
- 7.4. Site Plan Application Requirements
- 7.5. Site Plan Application Review Procedures
- 7.6. Site Plan Application Determinations
- 7.7. Record of Actions
- 7.8. Expiration & Revocation
- 7.9. Amendments & Modifications
- 7.10. Fees & Performance Guarantees

## 7.1 INTENT & PURPOSE

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. Site plans for special uses and planned unit developments shall receive a recommendation from the Village Planning Commission and a final decision by the Village Council. The Planning Commission shall make the final decision on site plans that are not related to special uses.

## 7.2 GENERAL REQUIREMENTS

### 7.2.1 Site Plan Required

Site plans are required for the following uses:

- A. Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as, a single family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single family dwellings, excluding accessory dwelling units.
- B. Development of non-residential uses in a residential zoning districts.
- C. Development of residential uses that result in more than three (3) dwelling units on a lot.
- D. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a residential use in the VR and FR districts.
- E. Any use or construction for which submission of a site plan is required by any provision of these regulations.
- F. Establishment, expansion or enlargement of any regulated use unless expressly exempted in this Ordinance.

### 7.2.2 Site Plan Not Required

Site plan approval is not required for the following activities, however, payment of any or all applicable bonds and zoning permit is required for issuance of a zoning permit.

- A. Construction, moving, relocating or structurally altering a principal residential structure in the VR and FR districts, including any customarily incidental accessory structures.
- B. Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single family uses described in this subsection for which site plan approval is not required.
- C. A change in the ownership of land or a structure.
- D. A change in the use of a structure to a use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the Ordinance and that the site maintains full and continuing compliance with these regulations.

- E. Permitted home occupations.
- F. Additions or expansions of existing, conforming uses that do not increase the amount of additional impervious surface by one thousand five hundred (1,500) square feet or five (5%) percent, whichever is less.

### 7.3 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. Adequacy of Information: The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. Site Design Characteristics: All elements of the site shall be harmoniously designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- C. Site Appearance: Landscaping, earth berms, fencing, signs, walls, structures and other site features shall be designed and located on the site so that the proposed development is harmonious with nearby existing or future developments.
- D. Compliance with District Requirements: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Article 3: Regulated Uses and Dimensions, unless otherwise provided in these regulations.
- E. Privacy: The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
- F. Emergency Vehicle Access: All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- G. Circulation: Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
- H. Parking: Any off-street parking facility shall meet all applicable design standards of this Ordinance.
- I. Drainage: Appropriate measures shall be taken to insure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future

grades of adjacent properties. Grading and drainage plans shall be subject to review and approval by the Village Engineer.

- J. Soil Erosion and Sedimentation: The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Village of Mancelona Roads and Village engineering standards.
- K. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
- L. Public Services: Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- M. Screening: Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height. All walls must be solid and constructed of durable material and shall be subject to the approval of the code official and cannot be located in required setbacks without written authorization from the code official.
- N. Danger from Fire and Hazards: The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the Village to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Village shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Village. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.
- O. Health and Safety Concerns: Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.
- P. Phases: All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

#### 7.4 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Village with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.



**ARTICLE 7 Site Plan Review**

<b>SITE PLAN REVIEW APPLICATION REQUIREMENTS</b>			
<b>Plan Item</b>	<b>Description</b>	<b>Shown On Site Plan</b>	<b>Written Narrative/ Submission</b>
1.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	√	
2.	A boundary survey of the property, to include all dimensions, setbacks, gross and net acreage, and legal description.	√	
3.	The location and width of all abutting right-of-ways.	√	
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.	√	
5.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	√	
6.	Description of all existing and proposed structures referenced in item 5.		√
7.	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	√	
8.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	√	√
9.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	√	
10.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		√
11.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	√	
12.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	√	
13.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	√	√
14.	Location, type and size of all above and below grade utilities.	√	
15.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	√	
16.	Location of any cross access management easements, if required.	√	
17.	Location of pedestrian and non-motorized facilities, if required.	√	
18.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.		√
19.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.		√
20.	Plans to control soil erosion and sedimentation, including during construction.	√	√

**ARTICLE 7 Site Plan Review**

<b>SITE PLAN REVIEW APPLICATION REQUIREMENTS</b>			
<b>Plan Item</b>	<b>Description</b>	<b>Shown On Site Plan</b>	<b>Written Narrative/ Submission</b>
21.	The method to be used to serve the development with municipal water.		√
22.	The method to be used for sewage treatment.		√
23.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	√	
24.	Elevations for all building facades.	√	
25.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		√
26.	Phasing of the project, including ultimate development proposals.	√	
27.	General description of deed restrictions and/or cross access management easements, if any or required.		√
28.	The name and address of the property owner.	√	√
29.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	√	√
30.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	√	

- A. Upon the recommendation of the Zoning Administrator, the Planning Commission may waive any of the above required items based upon a finding that it is not applicable.
- B. The Planning Commission, Zoning Administrator, or other party authorized by the Village may request any additional information it deems necessary in the review of submitted site plan.
- C. Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to Antrim County Road Commission, Village of Mancelona Department of Public Works, Michigan Department of Transportation (MDOT), Michigan Department of Energy, Great Lakes, and Environment (MDEGLE). If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.
- D. All site plan drawings shall be submitted on one (1) set of sheets twenty four (24) inches by thirty six (36) inches and in digital PDF format.

**7.5 SITE PLAN APPLICATION REVIEW PROCEDURES**

**7.5.1 Pre-Application Conceptual Review**

An applicant may request a pre-application conceptual review with the Zoning Administrator or Planning Commission to discuss in general the substantive requirements for the application prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements by the Village. Feedback provided by the Zoning Administrator or Planning Commission under a pre-application conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A pre-application conceptual review does not include a completeness or technical review by the Zoning Administrator.

**7.5.2 Completeness Review**

All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent at least twenty one (21) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall review the application for completeness in order to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance. Once deemed complete, the application will be placed on the next regularly scheduled Planning Commission meeting.

### **7.5.3 Technical Review**

An application determined to be complete will undergo a technical review by the Zoning Administrator or Village designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission meeting.

### **7.5.4 Administrative Review**

- A. The Zoning Administrator may review and make a determination on a site plan review application that meets the following standards:
  - 1. The use is permitted by right in the established zoning district.
  - 2. Will result in less than one thousand (1,500) square feet of new building and/or impervious area.
  - 3. Will generate less than five hundred (500) trip ends per day as determined by the proposed land use activity based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.
- B. Nothing in this subsection shall prohibit the applicant or Zoning Administrator from requesting the site plan review application be submitted to the Planning Commission for determination.

### **7.5.5 Planning Commission Review**

All other uses requiring a site plan shall be reviewed by the Planning Commission for a determination.

## **7.6 SITE PLAN APPLICATION DETERMINATIONS**

The Zoning Administrator or Planning Commission shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application.

### **7.6.1 Approval**

The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Village planning documents, other applicable

ordinances, and state and federal statutes.

### **7.6.2 Conditional Approval**

The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall meet each of the following objectives:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as 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 the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

### **7.6.3 Denial**

If the Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Village, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

## **7.7 RECORD OF ACTIONS**

The Village shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

### **7.7.1 Minutes**

All minutes from any meeting where the site plan was considered.

### **7.7.2 Finding of Fact**

The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.

### **7.7.3 Final Site Plans**

An electronic pdf version and two full size print set (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.

- A. Approved site plans shall include any required revisions and the date of the revisions. The print sets shall be marked "Approved" and signed and dated by the Applicant and Planning Commission Chair if approved by the Planning Commission, or the Zoning Administrator if administratively approved. One signed set of site plans will be retained by the Village as part of the permanent record, while the other signed set will be returned to the applicant.

- B. Denied site plans shall be marked “Denied” and signed and dated by Planning Commission Chair if denied by the Planning Commission, or the Zoning Administrator if administratively denied.

#### **7.7.4 Development Agreement**

An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Chair.

### **7.8 EXPIRATION & REVOCATION**

#### **7.8.1 Expiration**

A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a zoning permit to the Village for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year.

#### **7.8.2 Revocation**

If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.

### **7.9 AMENDMENTS & MODIFICATIONS**

A previously approved site plan may be modified subject to the following procedures:

#### **7.9.1 Insignificant Deviations**

The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.

#### **7.9.2 Minor Amendments**

The Planning Commission may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability

to hazards. The Planning Commission may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the Zoning Administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.

### **7.9.3 Major Amendments**

All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

## **7.10 FEES & PERFORMANCE GUARANTEES**

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in [Article 12](#).

## ARTICLE 8

# Special Land Uses



- 8.1. Intent & Purpose
- 8.2. General Standards
- 8.3. Special Land Use Application Requirements
- 8.4. Special Land Use Application Review Procedures
- 8.5. Special Land Use Determinations
- 8.6. Record of Actions
- 8.7. Expiration & Revocation
- 8.8. Amendments & Modifications
- 8.9. Fees & Performance Guarantees

## 8.1 INTENT & PURPOSE

This Article provides the review procedures and standards instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses, or which contain unique features. The procedures and standards apply to those special land uses which are specifically designated as such in this Ordinance.

## 8.2 GENERAL STANDARDS

Each application shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, including those for site plan review and the specific standards below:

- A. Will be in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, of drainage structures, refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public expense for public facilities and services.
- F. Will be in accordance with all required conditions of the district in which it will be located.
- G. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located, and will not be detrimental to existing and/or other permitted land uses in the applicable zoning district.

## 8.3 SPECIAL LAND USE APPLICATION REQUIREMENTS

An application for special land use permit approval shall include a complete site plan review satisfying all the standards in [Article 7](#).

## 8.4 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES

The procedures for a special land use permit application review shall follow those for a site plan review in [Article 7](#) with the following modifications:

### 8.4.1 Planning Commission Review

The Planning Commission shall:

- A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance. Administrative review shall not be an option for special use permit applications.
- B. Hold a public hearing to consider the proposed special land use consistent with the procedures for a public hearing in [Article 12](#).



- C. The Planning Commission shall submit a finding of fact and make a recommendation to the Village Council to approve, approve with conditions, or deny the special land use permit.

#### 8.4.2 Village Council Review

The Village Council shall:

- A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance, and Planning Commission's recommendation.
- B. Determine whether to hold an additional public hearing at their discretion or refer the application back to the Planning Commission for further consideration.
- C. Make a determination to approve, approve with conditions, or deny the application. Any decision made shall include the adoption of a finding of facts to support the Village Council's decision.

### 8.5 SPECIAL LAND USE DETERMINATIONS

#### 8.5.1 Approval

The special land use permit shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Village planning documents, other applicable ordinances, and state and federal statutes. Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.

#### 8.5.2 Conditional Approval

The Village Council may approve a special land use permit, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall the objectives of outlined in [Article 7](#).

#### 8.5.3 Denial

If the Village Council determines that a proposed special land use does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Village, it shall deny the application.

### 8.6 RECORD OF ACTIONS

All decisions on a special land use shall be recorded consistent with the requirements of [Article 7](#) with the addition that the development agreement and final site plans be recorded at the Antrim County Register of Deeds Office and evidence of the record by submitted to the Village Clerk within forty five (45) days.

### 8.7 EXPIRATION & REVOCATION

The standards and procedures for expiration and revocation of an approved special land use permit shall be the same as those for site plan review in [Article 7](#).

## **8.8 AMENDMENTS & MODIFICATIONS**

The standards and procedures for amendments or modifications of an approved special land use permit shall be the same as those for site plan review in **Article 7**, with the exception that a major amendment to an approved special land use permit will require a new public hearing following the standards and process in **Article 7**.

## **8.9 FEES & PERFORMANCE GUARANTEES**

Fees and performance guarantees associated with the review and approval of a special land use application shall be consistent with the requirements in **Article 12**.

## ARTICLE 9

# Land Development Options

# 9

- 9.1. Planned Unit Development
- 9.2. Manufactured Home Development
- 9.3. Site Condominium Development

## 9.1 PLANNED UNIT DEVELOPMENT

### 9.1.1 Intent & Purpose

- A. The Planned Unit Development (PUD) option is intended to allow, with Village approval, private or public development which is consistent with the goals and objectives of the Village Master Plan and Future Land Use Map.
- B. The development allowed under this Section shall be considered as an optional means of development only on terms agreeable to the Village.
- C. Use of the PUD option will allow flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the parcel in question; to provide proper housing including workforce housing; or to provide employment, service and shopping opportunities suited to the needs of the residents of the Village.
- D. It is further intended the PUD may be used to allow nonresidential uses of residentially zoned areas; to allow residential uses of nonresidential zoned areas; to permit densities or lot sizes which are different from the applicable district and to allow the mixing of land uses that would otherwise not be allowed; provided other community objectives are met and the resulting development would promote the public health, safety and welfare, reduce sprawl, and be consistent with the Village of Mancelona Master Plan and Future Land Use Plan Map.
- E. It is further intended the development will be laid out so the various land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
- F. The number of dwelling units for the PUD development shall not exceed the number of dwelling units allowed under the underlying Zoning District.

### 9.1.2 Uses Permitted

- A. A land use plan shall be proposed for the area to be included within the PUD. The land use plan shall be defined primarily by the Village Zoning Ordinance Districts that are most applicable to the various land use areas of the PUD.
- B. Uses permitted and uses permitted subject to Special Land Use Permit approval in this Ordinance may be allowed within the districts identified on the PUD plan, except that some uses may be specifically prohibited from districts designated on the PUD plan. Alternatively, the Village may allow uses not permitted in the district if specifically noted on the PUD plan. Conditions applicable to uses subject to Special Land Use Permit approval shall be used as guidelines for design and layout but may be varied by the Planning Commission provided such conditions are indicated on the PUD plan.

### 9.1.3 Height, Bulk, Density And Area Standards

The standards about height, bulk, density, and setbacks of each district shall be applicable within each district area designated on the plan except as specifically

modified and noted on the PUD plan.

#### 9.1.4 Qualifying Standards

Planned Unit Development proposals shall meet the following qualifying standards to be considered under the PUD land development option:

- A. The properties are zoned FR, C, LIW or PSP districts.
- B. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application. Any permission given for an activity, building, dimensional requirement, or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.
- C. The PUD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Village Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Village that such added loads will be accommodated or mitigated by the proponent as part of the PUD.
- D. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- E. The PUD must meet, as a minimum, four (4) of the following eight (8) objectives of the Village.
  - 1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.
  - 2. To permanently establish land use patterns which are compatible, or which will protect existing or planned uses.
  - 3. To accept dedication or set aside open space areas for public use in perpetuity.
  - 4. To provide alternative uses for parcels which can provide transition buffers to residential areas.
  - 5. To promote the goals and objectives of the Village Master Plan.
  - 6. To foster the aesthetic appearance of the Village through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
  - 7. To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
  - 8. To provide a diverse mix of housing options, price points and opportunities to rent or purchase.

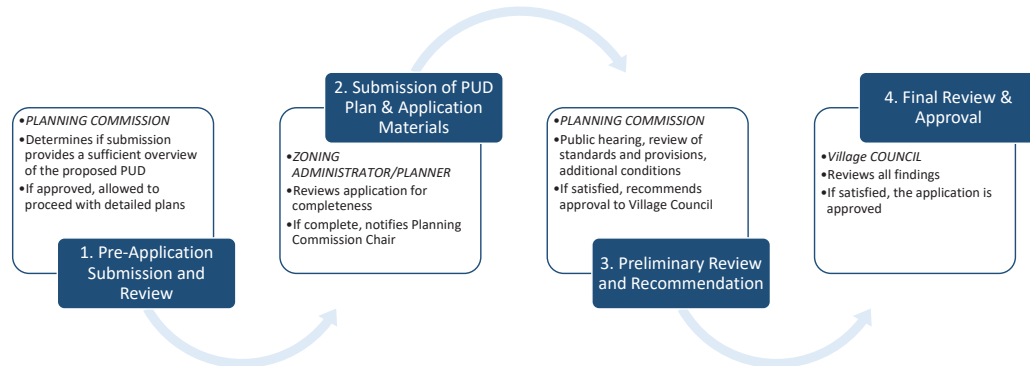
### 9.1.5 PUD Application Requirements Application Submission Procedures

PUD applications shall meet all the requirements of a site plan review in Article 7, and may require the following:

- A. A market study, traffic impact study, and /or environmental impact assessment, if requested by the Planning Commission or Village Council.
- B. A pattern book or design guidelines manual if requested by the Planning Commission or Village Council.

### 9.1.6 PUD Application Review Procedures

The PUD application review procedure follow four (4) primary steps: 1) pre-application submission and review, 2) submission of PUD plan and application materials, 3) Planning Commission review and recommended approval or denial of the PUD, and 4) Village Council final review and approval or denial of the PUD.



- A. **Completeness Review:** Upon submission of a PUD application, the Zoning Administrator shall perform a completeness review consistent with Article 7.
- B. **Technical Review:** Once an application is determined to be complete, the Zoning Administrator shall perform a technical review consistent with Article 7.

### 9.1.7 Pre-Application Submission & Review

- A. A. Any person owning or controlling land in the Village may make application for consideration of a PUD. Such application shall be made by presenting a request for a preliminary determination to whether a development proposal qualifies for the PUD option.
- B. The request shall be submitted to the Village and the submission shall include the information required below.
  1. Proof the Qualifying Standards in this Section are or will be met.
  2. A conceptual land use plan containing enough detail to explain the role of open space; location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.

3. A plan to protect natural features or preservation of open space or greenbelts.
  4. A storm water management plan incorporating low impact development (LID) water quality technologies, such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.
  5. The Planning Commission shall review the applicant's request for qualification. If approved, the applicant may then continue to prepare a PUD Plan on which a final determination will be made.
- C. Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether a development proposal is consistent with the Intent and Purpose of this Section and qualifies for the PUD option under the Qualifying Standards in this Section. If approved, the applicant may then continue to prepare a PUD plan and application on which a final determination will be made. An approved determination for qualification is not a guarantee for final PUD approval.

#### 9.1.8 PUD Application Determinations

The review of a PUD application by the Planning Commission shall follow the procedures below:

- A. Review: Upon notification from the Village Zoning Administrator and/or Planner of a complete PUD plan application and technical review, the Planning Commission shall review the proposed PUD plan and make a determination about the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:
  1. The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the Village.
  2. All applicable provisions of this Article shall be met. If any provision of this Article shall be in conflict with the provisions of any other Section of this Article, the provisions of this Section shall apply to the lands embraced within a PUD area.
  3. There will be at the time of development, an acceptable means of disposing of sanitary sewage and of supplying the development with water and the road network, storm water drainage system, and other public infrastructure and services are satisfactory.
- B. Public Hearing: The Planning Commission shall hold a public hearing on the PUD plan and shall give notice as provided in **Article 12**.
- C. Finding of Facts: After the review and public hearing, the Planning Commission shall adopt a finding of fact relative to the PUD under consideration as the basis of their recommendation to approve or deny the application, along with any applicable conditions.
- D. Recommendation: The Planning Commission shall submit its recommendation to the Village Council along with the technical review and finding of facts for final determination.

### 9.1.9 Village Council Review & Approval

- A. Determination: Upon receipt of the technical review, finding of facts and recommendation of the Planning Commission, the Village Council shall review the application and make a determination to approve or deny the application, and any applicable conditions.
- B. PUD Development Agreement: If the Village Council approves the application, it shall direct the Village attorney to prepare a PUD Development Agreement setting forth the conditions on which such approval is based. The PUD Development Agreement shall:
  - 1. Be signed by the Village President and the applicant.
  - 2. Become effective on execution after its approval.
  - 3. Be recorded at the Antrim County Register of Deeds' office by the applicant who shall provide a copy of the record to the Village within forty five (45) days.
  - 4. Limit the development and uses that may take place in such area to those expressly permitted under the PUD Development Agreement unless otherwise amended following the procedures in this Section.

### 9.1.10 Submission Of Final Site Plans

Before any zoning permits are issued for the PUD, final site plans for the project area shall be submitted to the Village for review and approval by the Planning Commission of the following:

- A. Review and approval of site plans shall comply with Article 7, as well as this Section except as otherwise modified in the approved plan and PUD Development Agreement.
- B. Before approving of any final site plans, the Planning Commission shall decide that:
  - 1. All portions of the project area shown on the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses under the PUD Development Agreement;
  - 2. The final site plans are in conformity with the approved development agreement and plan for the PUD;
  - 3. Provisions have been made under the PUD Development Agreement to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PUD Development Agreement.
- C. A dimensionally stable copy of the as-built drawings shall be submitted to the Village Clerk and a second dimensionally stable copy shall be recorded with the Antrim County Register of Deeds.

### 9.1.11 Termination & Expiration



An approved PUD Development Agreement may be terminated or expire in the following ways:

- A. An applicant or the applicant's successors or assigns may choose to terminate a PUD Development Agreement, before any development within the area involved, by filing with the Village and recording at the Antrim County Register of Deeds an affidavit so stating. The approval of the plan under the PUD Development Agreement shall terminate on such recording.
- B. No approved plan under a PUD Development Agreement shall be terminated after development begins except with the approval of the Village Council and of all parties in interest in the land.
- C. Within one (1) year following execution of the PUD Development Agreement by the Village Council, final approved site plans for an area embraced within the PUD must be filed with the Village. If such plans have not been filed within the one (1) year period, the right to develop the approved plan under the PUD Development Agreement shall be automatically terminated unless an extension is requested in writing by the applicant and authorized by the Village Council. The Village Council may authorize an extension of up to one (1) year.
- D. If development of approved final site plans is not substantially completed as determined in the development agreement in three (3) years after approval, further final submittals under the PUD shall stop until the part in question is completed or cause can be shown for not completing same.

#### 9.1.12 Fees & Performance Guarantees

Fees and performance guarantees associated with the review and approval of a special land use application shall be consistent with the requirements in **Article 12**.

#### 9.1.13 Interpretation Of Approval

Approval of a PUD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the Village and the applicant.

#### 9.1.14 Amendments To Planned Development Plan

Proposed amendments or changes to an approved PUD plan and/or PUD contract shall be presented to the Planning Commission and shall decide whether the proposed modification is of minor or major nature based on Article 7, with the following additions:

- A. Minor Amendment: If determined to be a minor amendment, the Planning Commission may review and approve or deny the request. The PUD Development Agreement shall be modified to reflect any approved minor amendment.
- B. Major Amendment: If determined to be a major amendment, the Planning Commission shall hold a public hearing consistent with the requirements in **Article 12** as part of its review and make a recommendation to the Village Council to approve or deny the request. The Village Council shall have the final determination to approve or deny a major amendment request. The PUD Development Agreement shall be modified to reflect any approved major

amendment.

## 9.2 MANUFACTURED HOME DEVELOPMENT

### 9.2.1 Intent & Purpose

The purpose of this Section is to regulate manufactured home developments in order to maintain the character of the residential zoning districts where permitted and to protect the health, safety, and general welfare of the residents within the manufactured home development and the Village.

### 9.2.2 General Standards

All manufactured home developments shall meet the following standards:

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, PA 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

### 9.2.3 Review & Approval

The procedures for review and approval of a manufacture home development shall be the same as those for a special land use permit approval under **Article 8**, including the applicable special land use permit standards.

## 9.3 SITE CONDOMINIUM DEVELOPMENT

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall be reviewed and approved by the Planning Commission and Village Council. In determining whether to approve a condominium subdivision plan, the Planning Commission and Village Council shall consult with the Village Attorney, Engineer, Zoning Administrator, and Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act.

### 9.3.1 General Requirements

- A. Condominium Lots: For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use.
- B. Revision of Condominium Subdivision Plan: If the condominium subdivision plan

is revised, the final site plan shall be revised accordingly and submitted for review by the Planning Commission who shall make a recommendation to the Village Council to approve or deny the application before any zoning permit may be issued, where such permit is required.

- C. Amendment of Master Deed or Bylaws: Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan shall be reviewed by the Planning Commission who shall make a recommendation to the Village Council to approve or deny the application before any zoning permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- D. Development Agreement: The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and the Village, incorporating therein the terms and conditions of final site plan approval, and record the same in the Antrim County Register of Deeds.
- E. Relocation of Boundaries: Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- F. Subdivision of Lots: Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- G. Private Streets: All site condominium subdivisions in which private streets are proposed shall be developed to the public street requirements of the Village. Site condominium subdivisions and condominium lots may abut public or private streets.
- H. Road Rights-of-Way: Road rights-of-way shall be parcels separate from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Village for all public water and sanitary sewer lines and appurtenances.
- I. Easement for Utilities: The site condominium subdivision plan shall include all necessary easements granted to the Village of Mancelona, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches

necessary for the location of said structure.

- J. Monuments: Monuments shall be set at all boundary corners and deflection points and at all roads right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. The Village Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Village Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Village, whichever the developer selects, in an amount as determined from time to time by resolution of the Village Council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Village Council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.
- K. As-Built Drawings: A dimensionally stable copy of the as-built drawings shall be submitted to the Village Clerk and a second dimensionally stable copy shall be recorded with the Antrim County Register of Deeds.

### 9.3.2 Site Plan Requirements

A site condominium application submitted for consideration shall include a site plan with all the requirements outlined in Article 7.

### 9.3.3 Application Submission Procedures

#### A. Preliminary Site Plan:

1. A preliminary site plan shall be filed for approval at the time of notice of proposed action is filed with the Village. Preliminary site plans shall be reviewed by the Planning Commission who shall make a recommendation to the Village Council to approve or deny the application.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required herein, except in the case of single-family detached dwelling units.
4. Dwelling units and required yards, shall be shown on the preliminary site plan. In those instances where dwelling unit plans are not known the plan may show the building envelope provided such building envelope meets all side, front and rear setback requirements of the zoning district.

#### B. Final Site Plan:

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan. Final site plans shall be reviewed by the Planning Commission who shall make a recommendation to the Village Council to approve or deny the application.
2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved

by the Planning Commission and Village Council and is in effect.

3. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required herein, except in the case of single-family detached dwelling units, location and dimensions of condominium units rather than individual buildings and required yards, shall be shown on the site plan.
4. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department and the Michigan Department of Natural Resources. The Planning Commission and Village Council shall not approve a final site plan until all County and State agencies, required to review the condominium subdivision plan, have approved the condominium subdivision plan.

#### 9.3.4 Design & Approval

- A. All site condominium subdivision plans shall conform to the design, layout and improvements standards of the Village. A deposit in the form of cash, certified check, or irrevocable bank letter of credit acceptable to the Village Council shall be made with the Village of Mancelona to guarantee the installation and completion of any required public sanitary sewer, water supply, drainage facilities, and public or private street and walkway improvements within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Planning Commission and Village Council.
- B. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan therefore has been approved by the Village Council and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums as defined in the Condominium Act (PA 59 of 1978 as amended).
- C. The approval of any site condominium plan under this provision shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one (1) year in continuous construction and development does not occur, in which event, said approval shall expire. Prior to such expiration date the development owner shall be notified in writing thirty (30) days in advance of the expiration date. The Zoning Administrator shall not issue a zoning permit for any type of construction on the basis of the approved site condominium plan after such approval has expired. Fees for review of expired site plan may be waived in those instances where no substantial change in conditions of the site condominium plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site condominium plans for new site condominium plans shall be the same as for the initial submittal.
- D. All site improvements including sanitary sewers, water mains, storm sewers,

retention basin, site grading and private street improvements shall meet or exceed the minimum design standards of the Village of Mancelona.

- E. A final survey plan of the site condominium subdivision or phase thereof shall be submitted together with a closure sheet of the external boundary and internal common areas, condominium land units, blocks of condominium units, street rights-of-way and all other land units for review and approval by the Village Engineer. The exact length and bearing of all external and internal boundaries shall be clearly shown on the plan. The bearing source of orientation of the survey plan shall conform with that of an existing adjacent recorded subdivision or other established survey.

### **9.3.5 Notice of Proposed Action**

The notification requirements stated in Section 71, of the Condominium Act (PA 59 of 1978, as amended), shall be filed with the Village of Mancelona and other listed agencies.

## ARTICLE 10

# Nonconformities

# 10

- 10.1. Intent & Purpose
- 10.2. General Standards
- 10.3. Nonconforming Uses
- 10.4. Nonconforming Sites
- 10.5. Nonconforming Structures
- 10.6. Nonconforming Lots

## 10.1 INTENT & PURPOSE

It is the intent of this Ordinance to permit legal nonconforming uses, sites, structures and lots to continue until they are removed but not to encourage their survival. It is recognized that there exists within districts established by this Ordinance and subsequent amendments, uses, sites, structures and lots which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

## 10.2 GENERAL STANDARDS

- A. Continuation: On or after the effective date of this ordinance or any subsequent amendments, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this Article.
- B. Change in Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming use or structure which does not alter the nonconforming status.
- C. Special Land Uses and Variances: If a special land use or variance has been approved, the structure or use shall not be considered "nonconforming."
- D. Issued Zoning Permit: Any zoning permits issued prior to the effective date of this Ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and proceeds meaningfully until completion.
- E. Exception for Repairs Pursuant to Public Order: Nothing in this article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.
- F. Loss of Nonconformity: A legal nonconformity is lost by changing to conform to this Ordinance or through vacancy for twelve (12) or more successive calendar months. If lost, any future use of such premises shall be in conformity, in its entirety, with the provisions of this ordinance. Loss of a nonconformity shall terminate the right to continue the nonconformity.

## 10.3 NONCONFORMING USES

Nonconforming uses may be continued, enlarged, or expanded in accordance with the following provisions:

- A. Continuance: A legal nonconforming use of any structure may be continued, although such use does not conform to the provisions of this ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure are made.
- B. Enlargement or Expansion: A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded except as required by law or to comply with



an order of the County building official.

C. Change of Use Regulations:

1. Changes to Conforming Uses: Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.
2. Changes to Other Nonconforming Uses: A nonconforming use shall be prohibited from changing to another nonconforming use.

#### 10.4 NONCONFORMING SITES

Nonconforming sites may be continued, enlarged, or expanded in accordance with the following provisions:

- A. Applicable Standards: Various site design standards are established in **Article 5: Site Development Standards** and **Article 6: Supplemental Use Standards** of this Ordinance. Consequently, many development sites do not meet current requirements for such items as parking lot standards, landscaping, exterior lighting, storm water requirements and other design specifications. This Section requires that such nonconforming sites be brought into conformance with all applicable development standards prescribed by this Ordinance.
- B. Authority to Continue: Any legal nonconforming site may be continued so long as it remains otherwise lawful subject to this subsection.
- C. Extensions:
  1. In General: A nonconforming site on which there is a conforming use shall not be expanded or contracted unless the site is brought into conformance with the provisions of this Ordinance.
  2. Single Family Residential Exception: A single family residential structure that is located on a legally nonconforming site with respect to required yards, areas, or height may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms with the provisions of this ordinance.
- D. Relocations: No structure shall be relocated within a nonconforming site until the site is brought into conformance with the provisions of this ordinance.
- E. Change in Use: A nonconforming site shall be allowed to be occupied by another use allowed by right in the district so long as no exterior structural modifications are to occur. Such a change in use shall not require site plan review and approval. In the event the new occupant desires to provide exterior structural modifications, the site shall be brought into compliance with all applicable site and use standards, unless a nonconforming site variance has been approved by the Zoning Board of Appeals.

#### 10.5 NONCONFORMING STRUCTURES

Nonconforming structures may be continued, repaired, replaced, enlarged or expanded in accordance with the following provisions:

- A. Continuance of Nonconforming Structures: Subject to all limitations in this Article, any nonconforming structure may be occupied, operated, and maintained in a state of

good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with allowable standards of this Article.

- B. Repair and Maintenance of Nonconforming Structures: Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures. Such repair and maintenance shall not be so extensive as to constitute a replacement of the structure by replacing an exterior wall(s). For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute replacement shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.
- C. Replacement of Damaged Nonconforming Structures: Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint and does not increase the original usable floor area or volume of such structure. Such replacement shall commence within twelve (12) months of the damage or destruction.
- D. Enlargement or Expansion: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable Village ordinances.

## 10.6 NONCONFORMING LOTS

- A. Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located, except those uses that specify a minimum lot size. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
- B. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance or which creates a nonconforming structure.

## ARTICLE 11

# Zoning Board of Appeals



- 11.1. Authority
- 11.2. Membership
- 11.3. Organization
- 11.4. Applications
- 11.5. Appeals of Administrative Decisions
- 11.6. Interpretations of Zoning District Boundaries
- 11.7. Interpretations of Zoning Ordinance Provisions
- 11.8. Variances
- 11.9. Exceptions
- 11.10. Hearings & Decisions
- 11.11. Fees
- 11.12. Limitations of Authority

### 11.1 AUTHORITY

There is hereby established a Zoning Board of Appeals (herein referred to as the “ZBA”), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected and substantial justice done.

### 11.2 MEMBERSHIP

The Village Council shall serve as the Zoning Board of Appeals. In the event a member of the Village Council is replaced through election or other means, their replacement shall automatically fill the vacancy on the ZBA.

### 11.3 ORGANIZATION

The ZBA shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings, in addition to the following:

- A. The Village President shall preside as Chair of the ZBA. The ZBA shall elect a Vice-Chair and Secretary annually from its membership.
- B. All meetings of the ZBA shall be held at the call of the Chair at such times as the ZBA may determine.
- C. The ZBA shall render decisions upon all matters within a reasonable time.
- D. The ZBA may distribute the application materials to the Zoning Administrator or other designated Village consultants to review the application and provide a report to the ZBA that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan and any sub-area plans.
- E. The ZBA may request that any or all of the following information be provided to the ZBA by the Village Clerk or County Building Official, where available and applicable to the issue in question:
  - 1. The history of development on the site in question.
  - 2. A summary of past Village approvals, orders and decisions related to the site or issue in question.
  - 3. Whether all outstanding infractions related to this Ordinance or other Village ordinances have been resolved, other than the issue to be addressed by the ZBA.
- F. A concurring vote of a majority of the total ZBA membership shall be necessary to render a decision. The ZBA shall not conduct business unless a majority of its members are present.
- G. The Secretary shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official action. Such minutes shall also be filed with the Village Clerk.
- H. The ZBA shall have the power to require attendance of witnesses, and compel testimony and the production of documents, files and other information pertinent to the matters before it.

## 11.4 APPLICATIONS

Applications to the ZBA shall be filed with the Village, and a fee established by Village Council shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

- A. Applicant's name, address, telephone number, and email address.
- B. The address, location and tax identification number for each parcel involved in the request.
- C. Zoning classification of the subject parcel(s) and all abutting parcels.
- D. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
- E. A letter from the applicant summarizing the request, and stating the reasons for the request.
- F. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

## 11.5 APPEALS OF ADMINISTRATIVE DECISIONS

The ZBA shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an officer, department, board or bureau of the Village affected by the order, requirement, decision or determination, provided that a notice of appeal application is filed with the Village within a reasonable time of the order, requirement, decision or determination, not to exceed twenty-one (21) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the County Building Official certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the County Building Official would cause imminent peril to life or property.

The ZBA shall reverse an administrative decision only after finding that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

## 11.6 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Village of Mancelona Zoning Ordinance, Master Plan, and other planning documents. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, watercourses or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as

following such lot lines.

- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as parallel to or extensions of features indicated in items "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 map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the ZBA shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the ZBA may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district line into the remaining portion of the lot.

## 11.7 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

### 11.7.1 Interpretations

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance, the Master Plan or any sub-area plans. This shall not include use determinations as provided for in this Ordinance, except upon appeal of a determination that has been made.

### 11.7.2 Determinations Of Similar Uses

In recognition that every potential use cannot be addressed in this Ordinance, the ZBA shall have the authority, upon referral by the Zoning Administrator or appeal of the Zoning Administrator's determination, to determine whether a proposed use not listed in this Ordinance is similar to a principal or special approval use permitted by this Ordinance, subject to the following:

- A. Prior to making such a determination, the ZBA must find that the principal or special approval use closely resembles the proposed use in terms of characteristics, intensity, nature and other applicable common elements of such uses, including but not limited to potential impacts on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety and welfare.
- B. The ZBA may make a determination that the use is or is not similar to a use listed in this Ordinance.
- C. If it is determined that there is no similar use listed in this Ordinance, the use shall be prohibited.
- D. If it is determined that the proposed use is similar to a use listed in this Ordinance, the proposed use shall comply with any conditions or special approval use standards that apply to the listed use.

## 11.8 VARIANCES

The ZBA shall have authority in specific cases to authorize one or more dimensional or “non-use” variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance.

### 11.8.1 Dimensional Variances

The ZBA may grant a requested “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

- A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
- B. The variance will do substantial justice to the applicant, as well as to other property owners.
- C. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
- D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, and cannot be solely economic in nature.
- E. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.

## 11.9 EXCEPTIONS

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the ZBA to act. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

## 11.10 HEARINGS & DECISIONS

The ZBA shall make no determination on a specific case until after a public hearing conducted in accordance with the requirements in **Article 12**. Each decisions of the ZBA shall include a written record of the ZBA's findings and determinations in the case.

## 11.11 FEES

The Village Council may, from time to time, prescribe or amend a reasonable schedule of fees to be charged to applicants for applications to the ZBA. Such fees shall be paid to the Village at the time of filing the application.

## 11.12 LIMITATIONS OF AUTHORITY

- A. No order of the ZBA permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year, unless a zoning permit for such erection or alteration

## ARTICLE 11 Zoning Board of Appeals

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is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

- B. No order of the ZBA pertaining to the use of a structure or land shall be valid for a period longer than one (1) year unless such use is established within such period, except where such use is dependent upon the erection or alteration of a structure, in which case the one (1) year period shall begin after the certificate of occupancy is issued for the structure.
- C. The ZBA shall not consider appeals of any decisions by the Planning Commission or Village Council regarding requests for approval of amendments, special approval uses, or planned developments, as defined in this Ordinance.
- D. ZBA jurisdiction to consider appeals of site plan determinations shall be limited to cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the ZBA. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the ZBA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.
- E. The ZBA shall not have the authority to alter this Zoning Ordinance or Zoning Map.



## ARTICLE 12

# Administration, Enforcement & Violations

# 12

- 12.1. Zoning Administrator
- 12.2. Fees
- 12.3. Performance Guarantees
- 12.4. Taxes & Other Monies Owed
- 12.5. Public Hearings
- 12.6. Zoning Permits
- 12.7. Violations & Penalties

## 12.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Village Council. The duties of the Zoning Administrator may be delegated by the Village Council to another employee of the Village or a consultant approved by the Village Council.

### 12.1.1 Duties

It shall be the duty of the Zoning Administrator to:

- A. Receive applications for zoning permits and issue or deny same;
- B. Inspect buildings or structures in order to determine compliance with the zoning permits issued in compliance with this Ordinance;
- C. Be in charge of the enforcement of this Ordinance. The Village Council may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The Village Council may instruct the Zoning Administrator in writing, to initiate a criminal complaint or other legal action. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary its terms in carrying out the Zoning Administrator's duties.
- D. Perform pre-application conferences, completeness reviews and technical reviews for all applications that include a site plan review, and to perform administrative reviews of applicable site plan review applications.

## 12.2 FEES

The fees for applications, permits and other requests shall be established by the Village Council. Fees must be paid before any review of an application is performed or a permit is issued. Certain applications, permits and requests are subject to the Village of Mancelona Escrow Policy, as defined in that policy.

## 12.3 PERFORMANCE GUARANTEES

To ensure compliance with the Ordinance and any conditions imposed, the Planning Commission may require that a cash deposit, irrevocable letter of credit, certified check, or surety bond acceptable to the Village covering the estimated cost of improvements be deposited with the Village Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the zoning permit. The Village shall not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. If requested by the applicant of the site plan review, the Village shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

## 12.4 TAXES & OTHER MONIES OWED

When the Village receives an application for any new or amended zoning permit, site plan review, special land use permit, any other application, or any request for a permit or approval required by this Zoning Ordinance, the applicant shall be required to present a signed statement from the Village Treasurer that all real and personal property taxes, fees, penalties, fines, assessments, general assessments and other monies owed to the Village are current and paid up to date. The Village Treasurer's signed statement shall cover the accounts of all named applicants and all properties upon which the application or request

is made. The Village shall take no action on any application or request until the applicant or requesting party acquires the Village Treasurer's signed statement that all of the above monies owed are current and paid up to date. The Village shall make no final decision on any application or request if any of the above monies owed become delinquent or remain unpaid during consideration.

## 12.5 PUBLIC HEARINGS

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2008, as amended), and the following:

### 12.5.1 Public Notice

- A. Notice of the public hearing shall be:
  - 1. Posted by the Village Clerk at the place the hearing will be held;
  - 2. Published in a newspaper of general circulation in the Village not less than fifteen (15) days before the date of the public hearing; and
  - 3. Sent by mail or personal delivery not less than fifteen (15) days before the date of the public hearing to:
    - a. The applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question:
    - b. All occupants of structures within three hundred (300) feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner, who shall post the notice at the primary entrance to the structure.
- B. The notice shall include all of the following:
  - 1. Describe the nature of the request.
  - 2. Indicate the property that is the subject of the 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 request will be considered.
  - 4. Indicate when and where written comments will be received concerning the request.

## 12.6 ZONING PERMITS

### 12.6.1 General

- A. No person shall erect, alter, move or demolish a structure, whether temporary or permanent, or to establish a new use or change in use for any parcel, without a zoning permit.
- B. The Zoning Administrator shall issue a zoning permit if the proposed structure or use is in compliance with the provisions of this Ordinance.
- C. The applicant shall furnish permits or approvals from all applicable agencies before the Zoning Administrator may issue a permit.
- D. A copy of each zoning permit will be retained by the Zoning Administrator as a part of the permanent records of the Village.
- E. The Zoning Administrator shall promptly inform the applicant of the denial of a zoning permit if the proposed structure or use does not comply with the provisions of this Ordinance.
- F. Issuance of a zoning permit, or approval of a site plan for a permitted use or special land use permit does not waive the requirements to comply with all applicable local, state and federal codes and statutes, including, but not limited to State Construction Code, Electrical Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code.

### 12.6.2 Application

Each application for a zoning permit shall include the following minimum requirements:

- A. Plot Plan: Drawn to scale illustrating:
  - 1. The actual shape, location, and dimensions of the lot.
  - 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and if any building or other structure is already on the lot.
  - 3. The existing and intended use of the lot and of all such structures upon it, including residential areas and the number of dwelling units that the building is intended to accommodate.
  - 4. Such other information concerning the lot or adjoining lots as may be essential to determining that the provisions of this Ordinance are being observed.
- B. Property Boundaries: In cases where property boundaries are not clearly indicated by corner markers or other means, the Zoning Administrator may require, at the applicant's expense, the property to be located by a registered surveyor. In cases on properties located along a stream or shoreline, if there is any question of the location of the ordinary high water mark, the Zoning Administrator may also require this level to be set and marked by a registered surveyor.

- C. Evidence of Ownership: All applications for zoning permits under the provisions of this Ordinance shall include the land owner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by one of the following means: current title policy, or commitment, abstract or attorney's opinion of title, or such other evidence of ownership as the Zoning Administrator determines acceptable.
- D. Supporting Documentation: In the event the Zoning Administrator feels additional information is required before determining the suitability of an application for a zoning permit, the Zoning Administrator may request that the applicant submit such additional information as surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.

### 12.6.3 Voiding Permit

Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first construction code inspection. The applicant shall have the option of extending the permit by a maximum of one (1) year upon written notice to the Zoning Administrator. Said notice shall be filed no later than five (5) working days following the expiration of the permit. If a zoning permit expires, the applicant will have to reapply as a new application.

### 12.6.4 Inspection

The developer of the property is solely responsible for meeting the conditions and terms of the zoning permit and this Ordinance.

## 12.7 VIOLATIONS & PENALTIES

### 12.7.1 Nuisance Per Se

Any land, dwellings, buildings, or structures; including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted; adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

### 12.7.2 Municipal Civil Infraction

Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined above or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

### 12.7.3 Penalties

Any person who shall violate any provision of this Ordinance in any particular, who creates or maintains a nuisance per se, or who fails to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals adopted pursuant

hereto, shall, upon conviction thereof, be fined not to exceed two hundred dollars (\$200.00), and each day such violation continues shall be deemed a separate offense.

#### **12.7.4 Village Official**

The Zoning Administrator, Police Department, or other Village officials appointed by the Village Council are hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. (Amendment 117 of 2023)

#### **12.7.5 Nuisance Abatement**

In addition to enforcing this Ordinance as a municipal civil infraction the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

ARTICLE 13  
**Amendments &  
Severability**

# 13

- 13.1. Amendments
- 13.2. Severability

## 13.1 AMENDMENTS

The Village Council may, after recommendation from the Planning Commission, amend, supplement or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended, and the following:

### 13.1.1 Initiation Of Amendment

Amendments to the provisions of this Ordinance may be initiated by the Village Council, Planning Commission, Zoning Administrator or by petition from one (1) or more residents or property owners of the Village. An amendment to the Official Zoning Map (rezoning) may be initiated by the Village Council, Planning Commission, Zoning Administrator or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Village Council, Planning Commission or Zoning Administrator.

### 13.1.2 Application

An amendment to this Ordinance (except those initiated by the Village Council, Planning Commission or Zoning Administrator) shall be initiated by submission of a complete and accurate application to the Village, along with the required fee established by Village Council. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

- A. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
- B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property and surrounding properties.
- D. A written description of how the requested amendment meets the criteria stated in this Section.

### 13.1.3 Amendment Review Procedure

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

- A. Completeness Review: Upon receipt of an application to amend this Ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.
- B. Technical Review: Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Village officials for review and comment. The Zoning Administrator may also submit the application materials to designated Village consultants for review.
- C. Public Hearing: A public hearing shall be held for all proposed amendments in accordance with the procedures in **Article 12**.



- D. Planning Commission Consideration and Recommendation: Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the Village Council. In considering an amendment to the Official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:
1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
  2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
  3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
  4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Village residents or burdening the Village or Mancelona or Antrim County with unplanned capital improvement costs or other unplanned public expenses.
  5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
  6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Village and surrounding communities to accommodate the demand.
  7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
  8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
  9. Other factors deemed appropriate by the Planning Commission and Village Council.
- E. Village Council Action: The Village Clerk shall forward a copy of the proposed amendment and report and recommendation from the Planning Commission to the Village Council for consideration and final action.
1. The Village Council may adopt or reject the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration. If the Village Council requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.
  2. The Village Council may, at its discretion, hold additional public hearings on

the proposed amendment following the procedures in [Article 12](#).

#### **13.1.4 Effective Date**

A notice of adoption of an approved amendment shall be published in a newspaper of general circulation in the Village within fifteen (15) days of adoption. The amendment shall become effective eight (8) days after being published.

#### **13.1.5 Re-Application**

Whenever an application for an amendment to this Ordinance has been rejected by the Village Council, a new application for the same amendment shall not be accepted by the Village for a period of one (1) year unless the Zoning Administrator determines that one or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

### **13.2 SEVERABILITY**

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the village intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The village further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

## ARTICLE 14 Definitions

# 14

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## 14.1 RULES OF CONSTRUCTION

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

- A. The particular shall control the general.
- B. All words used in the present tense shall include the future.
- C. All words in the singular number include the plural number and all words in the plural number include the singular number, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary and the word "may" is permissive
- E. The masculine gender includes the feminine and gender neutral.
- F. All measurements shall be to the nearest integer, unless otherwise specified herein.
- G. The words "used" or "occupied" includes the words "intended," "designed", "arranged to be used or occupied" and "maintained."
- H. The word "building" includes the word "structure." The word "structure" includes the word "building." A "building" or "structure" includes any part thereof. The word "dwelling" includes "residence." The word "build" includes the words "erect" and "construct."
- I. The word "person" includes "corporation," "copartnership," "partnership," "association," "incorporated association," "individual," or any similar entity.
- J. Whenever a word or term defined hereafter appears in the text of the Zoning Regulations, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or" the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- L. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
- M. The intent, when spelled out in a section, dictates the meaning of any regulation.

## 14.2 DEFINITIONS

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

### 14.3 "A" Terms

**ABANDONED SIGN:** A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.

**ACCESSORY BUILDING OR STRUCTURE:** A building or structure, that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal building and/or structure to which it is exclusively related

**ACCESSORY DWELLING UNIT:** See **DWELLING UNIT, ACCESSORY**

**ACCESSORY USE:** A use that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

**ADULT DAY CARE FACILITY:** A facility, other than a private residence, receiving at least three (3) but not more than twelve (12) adults to be provided with care for periods of less than 24 hours a day.

**ADULT DAY CARE HOME:** A private residence receiving fewer than six (6) adults or more adults to be provided with care for periods of less than 24 hours a day.

**ADULT FOSTER CARE CONGREGATE FACILITY:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

**ADULT FOSTER CARE FACILITY:** means a home or facility that provides foster care to adults. Subject to the limitations of the Adult Foster Care Facility Licensing Act, Michigan PA 218 of 1979, as amended.

**ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

**ADULT FOSTER CARE LARGE GROUP HOME:** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

**ADULT FOSTER CARE SMALL GROUP HOME:** An adult foster care facility with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

**ALLEY:** Any dedicated public vehicular or pedestrian way affording a secondary means of access between or behind buildings, that affords a secondary means of access to abutting property, and not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition, or modification in construction to a structure or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the completed act of which may be referred to herein as "altered" or "reconstructed."

**AMUSEMENT PARK:** A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

**APARTMENT:** A room or suite of rooms in a two-family dwelling, duplex, apartment complex, apartment house, or commercial building, in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

**APARTMENT, STUDIO:** An efficiency unit is a type of multiple-family or apartment dwelling unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

**ARCHITECTURAL FEATURES:** The components of construction, either permanent or temporary, that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

**ASSEMBLY FACILITY:** A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors or outdoors as a principal or accessory use, including but not limited to schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

**ASSISTED LIVING FACILITY:** A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

**ATTIC:** The area located between the ceiling of the highest habitable floor and the roof of the structure.

**AUTOMOBILE:** Every vehicle that is self-propelled.

**AUTOMOBILE REPAIRS – MAJOR:** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change. Automotive major repair also includes an establishment that provides for the removal and temporary storage (less than seven days) of vehicles, but does not include the disposal, permanent disassembly, or salvage, or the accessory storage of motor and/or recreational vehicles.

**AUTOMOBILE REPAIRS – MINOR:** The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstery service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

**AUTOMOBILE SALES AND RENTALS:** Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

**AUTOMOBILE SERVICE STATION:** Any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity or where car washing services are sold. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories and supplies, including minor installation services or repairs customarily incidental thereto, and sale of convenience goods, food and beverages.

#### 14.4 "B" Terms

**BARS:** A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor. Bars may also include the incidental sale of prepared food and live performances.

**BASEMENT:** That portion of a building below the first or ground-floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height. A basement shall not be counted as a story. This definition shall include a cellar that may be below grade with an entrance separate from the principal building.

**BED AND BREAKFAST INN:** A private residence that offers sleeping accommodations to lodgers in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers, and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a transient person who rents a room in a bed-and-breakfast establishment.

**BEDROOM:** A room designed or used in whole or part for sleeping purposes and has a closet and window.

**BERM:** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

**BOARD OF ZONING APPEALS:** See **ZONING BOARD OF APPEALS**

**BOARDING ROOMS:** A private home that is occupied by a resident family which for compensation and by prearrangement for definite periods of time offers lodging or lodging and meals are provided to persons not related to the family.

**BUILDING:** A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

**BUILDING ENVELOPE:** The area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

**BUILDING HEIGHT, FEET:** The vertical distance measured from the finished grade to:

- A. The highest point of the roof surface for flat roofs;
- B. To the deck line of mansard roofs; and
- C. To the average height between eaves and ridge for the highest gable, hip studio, and gambrel roofs.
- D. Seventy five (75%) percent of the height of an A-frame.
- E. Where a building is located on sloping terrain, the height shall be measured from the average ground level grade at the building wall.

**BUILDING HEIGHT, STORIES:** The vertical distance measured as the number of individual floors in a building that can be occupied. Stories does not include basements or attics as defined in this Ordinance, permitted rooftop patios, or architectural features such as cupulas, steeple, etc.

**BUILDING LINE:** A line parallel to the front lot line at the minimum required front setback

line.

**BUILD-TO-LINE:** An alignment established a certain distance from the curb line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

**BUNGALOW COURT:** Three or more detached one-family or two-family structures with separate ground floor entrances arranged around a common court that opens onto a street.

**BUSINESS SERVICES:** An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, Village planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate.

## 14.5 "C" Terms

**CAMPGROUND:** Any parcel or tract or land upon which two (2) or more travel trailers, truck campers, tents or other similar portable units are placed, regardless of whether a charge is made thereof. The term also includes any building, structure, enclosure, driveway, equipment or facility used or designed and intended for use incidental to temporary living purposes in connection with the recreational pursuits or mode of travel of the general.

**CATERING SERVICES:** An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

**CELLAR:** See **BASEMENT**

**CEMETERY:** Land used for the burial of the dead, including a columbarium, crematorium, and/or mausoleum.

**CENTRAL CLEANING FACILITY:** A facility where textile materials, including but not limited to clothing and rugs, are dropped off directly by the customer or gathered at satellite locations for cleaning and future delivery or pick up.

**CHANGE OF OCCUPANCY:** The term "change of occupancy" shall mean a discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or, the expansion of a use.

**CHILD CARE CENTER:** A facility, other than a private residence, receiving one (1) or more children under thirteen (13) years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include those uses excluded under "Child Care Center" in the Child Care Organization Act (1973 PA 116, MCL 722.111(1)(h)).

**CHURCH:** See **RELIGIOUS INSTITUTION**



**CLUB or FRATERNAL ORGANIZATION:** A group of persons organized for the purposes of participating in and/or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a “club” in this Ordinance.

**CO-LOCATE:** To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure

**COMMERCIAL USE:** The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer. As used in these regulations, “commercial use” shall not include industrial, manufacturing, or wholesale businesses.

**COMMERCIAL ZONING DISTRICTS:** A zoning district primarily established for commercial land uses. Commercial zoning districts shall include those zoned C: Commercial.

**COMPREHENSIVE DEVELOPMENT PLAN:** See **MASTER PLAN**

**CONDOMINIUM:** A condominium is a system of separate ownership of individual units in multi-unit projects according to PA 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- A. Condominium Act: Shall mean Michigan PA 59 of 1978, as amended.
- B. Condominium Lot: That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Dimensional Requirements of this Ordinance.
- C. Condominium Subdivision Plan: Drawings and information that show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Condominium, as amended.
- D. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- E. Common Elements: Portions of the condominium project other than the condominium units.
- F. Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- G. Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. Convertible Area: A unit or a portion of the common elements of the

condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

- I. Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- J. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- K. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- M. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

**CONTRACTOR ESTABLISHMENTS**: Establishments primarily engaged in retailing new building material and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or outdoors under covered areas. The staff is usually knowledgeable in the use of the specific products being retailed in the construction, repair, maintenance of the home and associated grounds.

**CONTRACTOR STORAGE YARD**: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

**CONVALESCENT HOME**: See NURSING HOME

**COTTAGE COURT**: See BUNGALOW COURT

**COUNTY BUILDING OFFICIAL**: The Antrim County official(s) designated by the County Board of Commissioners to administer and enforce the Building Codes of the County.

**COURT**: An open, uncovered, unoccupied space, other than a yard, partially or wholly surrounded on at least two (2) sides by building walls. A court having at least one (1) side open to a street, alley, yard, or other permanent open space is an outer court. Any other court is an inner court.

**CULTURAL INSTITUTION**: A public or non-profit institution that engages in the cultural, intellectual, scientific, environmental, educational, or artistic enrichment of the community. Examples include, but are not limited to museums, libraries, historical societies, art galleries, botanical societies, land conservation organizations, performing art centers, scientific societies, and wildlife conservation societies. Cultural Institutions do not include any school or institution primarily engaged in religious or sectarian activities.

**CURB CUT**: The entrance to or exit from a property provided for vehicular traffic to or from

a public or private thoroughfare.

## 14.6 "D" Terms

**DATA PROCESSING FACILITY:** An establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

**DECK:** A platform that is typically attached to a house, and used for outdoor leisure activities.

**DENSITY:** The number of dwelling units allowed per acre of land.

A. Gross Density: The number of units per acre of total land being developed.

B. Net Density: The number of units per acre of land devoted to residential use.

**DETENTION BASIN:** A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets. Also referred to as a retention basin.

**DEVELOPMENT:** The construction of a new building reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

**DRIVE-IN:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

**DRIVE-THROUGH:** A business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a motor vehicle, typically through a window or other appurtenance to a building.

**DRIVEWAY:** A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shaped drive located within a front yard is included within this definition.

**DUPLEX:** A building designed as a single structure, containing two separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

**DWELLING:** Any building, or part thereof: containing sleeping, kitchen and bathroom facilities designed for and occupied by an individual or one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed 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.

**DWELLING UNIT, ACCESSORY:** A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and is occupied either by an individual or family as their permanent residence.

**DWELLING, MULTIPLE-FAMILY:** A building designed for and occupied by two (2) or more families living independently in separate dwelling units.

**DWELLING, ONE-FAMILY or SINGLE-FAMILY:** An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only.

**DWELLING UNIT:** One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by an individual or one (1) family for living, bathing, cooking, and sleeping purposes.

#### 14.7 "E" Terms

**EASEMENT:** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

**EDUCATIONAL INSTITUTIONS:** Use of land or a building or buildings as or for an institution not for profit but for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction and cultivation of the mind and or the inculcation of a clearer sense of moral and spiritual values. This does not include an institution or organization directed primarily to the physical training or development of physical or manipulative skills, or for-profit schools.

**EFFICIENCY UNIT:** See **APARTMENT, STUDIO**

**ENGINEER, VILLAGE:** the person or firm authorized by the Village to advise the Village Manager, Village Council, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Village Engineer may be a consultant or an employee of the Village.

**ENFORCEMENT OFFICIAL:** The Enforcement Official is the person or persons with the responsibility for enforcing and administering requirements of applicable sections of these Zoning Regulations. The Enforcement Official may be referred to as the Zoning Administrator, Building Official, or other appropriate party so designated by the Village Council. Such titles do not refer to a specific individual, but generally to the office, department, or Village official(s) most commonly associated with the administration of the regulation being referenced.

**ERECTED:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

**EQUIPMENT RENTAL ESTABLISHMENTS:** An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies and similar goods and equipment, including storage and incidental maintenance.

**EXCAVATION:** The removal or movement of soil, sand, stone, gravel, or fill dirt on or from any parcel except common household gardening, farming and general ground care.

**EXTRACTIVE INDUSTRY:** The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity

#### 14.8 "F" Terms

**FAÇADE:** That portion of any exterior elevation on the building extending from grade to top

of the parapet, wall, or eaves and the entire width of the building elevation.

**FAMILY:**

- A. One or more persons related by blood, marriage, or legal adoption plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or
- B. A collective number of individuals living together in one dwelling unit, under a relationship that is continuing, non-transient, and domestic character, who cook and live as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**FAMILY CHILD CARE HOME:** A state licensed facility in a dwelling unit in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family Child Care Home also includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

**FENCE:** An artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, mark a boundary, or constitute an obstruction to human or animal passage regardless of the component material.

**FILL:** The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

**FINANCIAL SERVICES:** Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

**FLOOR AREA, GROSS:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

**FLOOR AREA, GROUND:** The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached accessory buildings.

**FLOOR AREA, USABLE:** The gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings that have the potential to become usable for human habitation measured from the interior face of the exterior walls. Such floor area that is used or intended to be used principally for dedicated storage, mechanical equipment rooms, unfinished attics, enclosed porches, light and ventilation shafts, public corridors, public stairwells, utility rooms or restrooms shall be excluded from the computation of useable floor area.

**FOR-PROFIT EDUCATIONAL INSTITUTIONS:** An educational institution that are privately

controlled entities that are operated as a business with the expectation to generate a positive monetary return.

**FOSTER CARE:** The provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation provided at a single address. Providing room under a landlord and tenant arrangement does not, by itself, exclude a person from the licensure requirement under the Adult Foster Care Facility Licensing Act, Michigan PA 218 of 1979, as amended.

**FOSTER FAMILY HOME:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

**FOSTER FAMILY GROUP HOME:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

**FOSTER CHILD:** A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

**FRATERNAL ORGANIZATION:** See **CLUB**

**FREIGHT TERMINAL:** A heavy distribution transfer facility for pick-up and distribution utilizing railroad or trucking modes of transit.

**FRONTAGE:** The portion of any property that abuts a private or public street or a waterway. A corner lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

**FUNERAL HOME:** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

## 14.9 "G" Terms

**GARAGE, PRIVATE:** An accessory building designed or used for the storage or parking of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages do not have public repair facilities. A private garage may be either attached to or detached from the principal structures, but shall be located on the same lot as the principal structure.

**GASOLINE SERVICE STATION:** See **AUTOMOBILE SERVICE STATION**

**GRADE:** The ground elevation established for regulating the number of stories and the height of a buildings or structures. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

**GREENHOUSES:** A space, building or structure, or combination thereof, for the storage of

live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**GROUND-MOUNTED SOLAR INSTALLATIONS:** A private system installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

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

#### 14.10 "H" Terms

**HEIGHT OF BUILDING:** See **BUILDING HEIGHT**

**HEALTHCARE SERVICES:** A clinic, business or institution that offers any type of healthcare to the public which requires as a condition precedent to the rendering of such care the obtaining of a license or other legal authorization. By way of example, without limiting the generality of this definition, healthcare services include services rendered by chiropractors, dentists, osteopaths, physicians, dieticians, surgeons, podiatrists, physical therapists, counselors, and psychiatrists. Healthcare services does not include a hospital.

**HOME OCCUPATION:** A use incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements.

**HOSPITAL:** An institution that is licensed by the State of Michigan to provide in-patient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as laboratories, medical testing services, training facilities, central service facilities, and staff offices, staff dormitories, or other staff living accommodations, cafeterias and gift shops.

**HOTEL:** A building occupied as a more or less temporary lodging place for individuals with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, that are occupied for hire, and typically providing services such as maid service, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen.

#### 14.11 "I" Terms

**IMPERVIOUS COVERAGE:** The part or percentage of the lot that is occupied by all buildings and/or structures, and impervious surfaces. The percentage is determined by dividing the sum of the ground floor area of all buildings and structures on a lot and impervious surfaces by the net lot area.

**IMPERVIOUS SURFACE:** Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

**INDUSTRIAL ZONING DISTRICTS:** A zoning district primarily established for industrial land uses. Industrial zoning districts shall include those zoned LIW.

**INGRESS AND EGRESS:** As used in this Ordinance, “ingress and egress” generally is used in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

#### 14.12 “J” Terms

**JUNK:** Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

#### 14.13 “K” Terms

**KENNEL:** Any premises, except where accessory to an agricultural use, where three or more domestic animals, such as dogs and cats, are boarded, trained, bred or sold.

#### 14.14 “L” Terms

**LIBRARY:** A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

**LIVE/WORK UNITS:** A single unit (e.g. studio, loft, one-bedroom) consisting of both a residential and commercial/office component that is occupied by the same resident as their primary residence.

**LOADING SPACE:** A space that is safely and conveniently located on the same lot as the building being served, or group of buildings, for the temporary parking of delivery vehicles while loading and unloading merchandise or materials.

**LOT OR ZONING LOT:** For the purposes of enforcing this Ordinance, a lot is defined as a piece of land under single ownership or control that is sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. Single ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of any of the following:

- A. Single lot of record.
- B. Portion of a lot of record
- C. Combination of lots of record, or portion(s) thereof.
- D. Condominium lot.
- E. Parcel or tract of land described by metes and bounds.

**LOT AREA, GROSS:** The net lot area plus one-half(1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

**LOT AREA, NET:** The total horizontal area within the lot lines of the lot, exclusive of any



abutting public street right-of-way or private road easements, or the area of any lake or river. The net lot area shall be used in determining compliance with minimum lot area standards.

**LOT, CONTIGUOUS:** Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

**LOT, CORNER:** A lot abutting on and at the intersection of two (2) or more streets. For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.

**LOT, INTERIOR:** Any lot other than a corner lot with only one (1) lot line fronting a street.

**LOT COVERAGE:** The part or percentage of the lot that is occupied by all buildings and/or structures. The percentage is determined by dividing the ground floor area of all buildings and structures on a lot by the net lot area.

**LOT DEPTH:** The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

**LOT, THROUGH OR LOT, DOUBLE FRONTAGE:** Any interior lot having frontage on two more or less parallel streets or a waterway and street(s) as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front lot line for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or more of the streets or waterway, the required minimum front yard setback shall be observed on the street or waterway where buildings presently front.

**LOT LINE, FRONT:** In the case of an interior lot, is that line separating said lot from the public or private right of way. In the case of a corner lot, or double frontage lot, is that line separating said lot from the road that is designated as the front on the plat, or that is designated as the front of the site plan review application or request for a zoning permit, subject to approval by the Planning Commission or Zoning Administrator. On a flag lot, the front lot line shall be the interior lot line parallel to and nearest the street from which access is obtained.

**LOT LINE, REAR:** That lot line opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped or a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In cases in which the rear lot line definition cannot be easily applied, the Zoning Administrator shall designate the rear lot line.

**LOT LINE, SIDE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots in an interior side lot line. In cases in which the side lot line definition cannot be easily applied, the Zoning Administrator shall designate the side lot line(s).

**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a plat, document or other formal map on file with the County Register of Deeds or in common use by the Village or County Officials, and which actually exists as so shown, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the County Register of Deeds. A lot of record may also be identified to a sidwell or tax parcel identification number.

**LOT WIDTH:** The straight-line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.

**LOUNGE:** see **BAR**

**LOW IMPACT DEVELOPMENT (LID) STORMWATER MANAGEMENT:** LID includes a variety of practices that mimic or preserve natural drainage processes to manage stormwater. LID practices typically retain rain water and encourage it to soak into the ground rather than allowing it to run off into ditches and storm drains where it would otherwise contribute to flooding and pollution problems. Examples include, but are not limited to rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.

#### 14.15 "M" Terms

**MAIN ACCESS DRIVE:** Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

**MAJOR THOROUGHFARE:** See **STREET**

**MANUFACTURED HOME:** A factory-built home constructed off-site after to June 15, 1976 and transportable in one or more sections. A manufactured home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate. Manufactured homes include a permanent chassis constructed of metal beams that are structurally part of the dwelling, cannot be removed, and are supported by blocks and/or piers on footers.

**MANUFACTURED HOME DEVELOPMENT:** 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 that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan PA 96 of 1987, as amended.

**MANUFACTURED HOME LOT:** An area within a manufactured home development that is designated for the exclusive use of a specific manufactured home. Also referred to as a manufactured home site.

**MANUFACTURING, FOOD:** Establishments that transform agricultural products into products for intermediate or final consumption, distinguished by the raw materials (generally of animal or vegetable origin) processed into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers.

**MANUFACTURING, HEAVY:** The manufacturing, assembly, fabrication, packaging or compounding of extracted or raw materials. These activities or processes would necessitate the use or storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process, and have the potential to produce noise, dust, glare, odors or vibrations beyond the property line.

**MANUFACTURING, LIGHT:** The act of processing, assembling, fabricating, treating and

packaging of raw or unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

**MARIHUANA MICROBUSINESS:** A cannabis business that can grow up to 150 plants, process and package cannabis products and sell to adults.

**MARIHUANA RETAILER:** A cannabis shop, cannabis dispensary, or cannabis cooperative is a location at which marijuana is sold for recreational or medical use.

**MASTER PLAN:** Any plan adopted or amended under this Michigan Planning Enabling Act, PA 33 of 2008, as amended. This includes, but is not limited to, a plan prepared by a planning commission authorized by the act and used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, Village plan, plan, or any other term

**MEZZANINE:** An intermediate floor or levels between the floor and the ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of such story in which the level or levels are located.

**MICROBREWERY:** A licensed brewery that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in section 203 of the Michigan Liquor Control Code. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state, must be combined and all facilities for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility.

**MICRO WIRELESS FACILITY:** means a small cell wireless facility that is not more than twenty four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that does not have an exterior antenna more than eleven (11) inches in length.

**MIXED USE ZONING DISTRICTS:** A zoning district primarily established for residential and commercial uses. Mixed use zoning districts shall include those zoned NMU: Neighborhood Mixed Use and DMU: Downtown Mixed Use.

**MOBILE HOME:** See **MANUFACTURED HOME**

**MOBILE HOME PARK:** See **MANUFACTURED HOME DEVELOPMENT**

**MODULAR HOME:** A factory-built home constructed off-site after 1971 and transportable in one or more sections. A modular home is designed constructed to the State's building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards.

**MOSQUE:** See **RELIGIOUS INSTITUTION**

**MOTEL:** See **HOTEL**

**MOTOR VEHICLE:** See **AUTOMOBILE**

**MUNICIPALITY:** The Village of Mancelona, Antrim County, Michigan.

**MUSEUM:** A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

#### 14.16 "N" Terms

**NATURAL FEATURES:** Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

**NONCONFORMING LOT:** A lot that fails to meet the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

**NONCONFORMING USE:** A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

**NONCONFORMING SITE:** A lot, parcel, or development site that was lawfully established but that does not comply with the standards of Article 3, or other applicable site standards of this ordinance.

**NONCONFORMING STRUCTURE:** A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

**NONRESIDENTIAL ZONING DISTRICT:** A zoning district primarily established for land uses other than dwellings. Nonresidential zoning districts shall include those zone NMU, DMU, C, LIW, AND PSP.

**NUISANCE:** Any offensive, annoying, or disturbing practice or object, that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

**NURSERY:** see **GREENHOUSE**

**NURSING HOME:** A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with PA 139 of 1956, as amended.

#### 14.17 "O" Terms

**OBSCURING WALL:** Shall mean a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

**OCCUPIED:** Used in any manner. Includes the meaning of intent, design, or arranged for occupancy.

**OFF-SITE PARKING FACILITY:** A public or private off-street parking facility designed or intended to provide peripheral collection and storage of vehicles including accessory structures such as passenger shelters. Off-site parking facilities may be surface lots or parking structures.

**OPEN SPACE:** That part of a parcel, including courts and/or yards, that is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot. Does not include land dedicated for street right-of-ways, off-street parking, an established use, or stormwater management.

**OUTDOOR STORAGE:** The keeping of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours in an unroofed area.

**OUTSIDE SALES & DISPLAY:** The outdoor standing or placement of immediately usable goods that are available for sale, lease or rental and that are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

#### 14.18 "P" Terms

**PARCEL:** A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA 59 of 1978, as amended) and has frontage on a public street.

**PARKING LOT, OFF-STREET:** An area within a lot or parcel that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

**PARKING SPACE:** An area of definite length and width. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

**PERFORMANCE GUARANTEE:** A financial guarantee to ensure that specific improvements, facilities, construction or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

**PERMITTED USE:** A permitted use is a use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.

**PERSON:** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**PERSONAL SERVICES:** Enterprises serving individual necessities, such as barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry cleaning establishments, pressing, dyeing, tailoring, shoe repair, photographic studios, tattoo parlors, and travel agencies.

**PERVIOUS SURFACE:** A surface that permits full or partial absorption of storm water.

**PET:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

**PLANNED UNIT DEVELOPMENT (PUD):** Means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where necessary), provisions for public utilities, drainage and other essential services has been approved by the Village Council which has been, is being, or will be developed under the approved plan.

**PLANNING COMMISSION:** The Planning Commission of the Village of Mancelona, Antrim County, Michigan as designated in the Michigan Planning Enabling Act, PA 33 or 2008.

**PLOT PLAN:** A plan that is prepared according to requirements stated in this Ordinance, containing information required for such a plan. A plot plan is less detailed than a formal site plan. A plot plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site plan.

**PRINCIPAL BUILDING:** A building in which is conducted the principal use of the lot upon which it is situated.

**PRINCIPAL USE:** The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

**PRIVACY SCREEN:** An artificially constructed barrier of wood, wire, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

**PRIVATE STREET OR ROAD:** See **STREET**

**PROFESSIONAL SERVICES:** A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, public accountants, engineers, architects, attorneys at law, and life insurance agents. Professional services shall not include healthcare or financial services, or veterinarian clinics.

**PROPERTY LINE:** The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also **LOT LINE**.

**PROTECTED ROOT ZONE:** The area surrounding the trunk of a tree established with a radius of one and a half (1.5) feet for every one (1) inch caliper of trunk where to grading, cutting, storing or materials, or moving of machinery may occur.

**PUBLIC / SEMI-PUBLIC ZONING DISTRICTS:** A zoning district primarily established for public, institutional or limited commercial land uses. Public / Semi-Public zoning districts shall include those zoned PSP: Public / Semi-Public.

**PUBLIC SAFETY OFFICIAL:** The Public Safety Official refers generally to the persons who perform police, fire fighting, and other public safety functions for the Village

**PUBLIC USE:** Basic services usually furnished by local government but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

- A. Critical: such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.

- B. Essential: the erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.
- C. Supporting: public uses such as, but not limited to, village hall, library, park, athletic fields, public recreational facility, open space, civic center, community center, official government offices, authority office, post office, special events authorized by the Village, etc., and associated facilities.

**PUBLIC UTILITY**: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage service or treatment, communication services, cable television services, telegraph, transportation or water.

#### 14.19 "Q" Terms

**QUADPLEX**: A building designed as a single structure, containing four separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

#### 14.20 "R" Terms

**RECREATIONAL FACILITY**: An entity which receives a fee, whether by membership or daily passes, in return for the provision of some active recreational activity including but not limited to: gymnastic facilities, indoor soccer, bike & skate parks, racquet clubs, tennis and pickle ball courts, physical fitness facilities, swimming pools, athletic fields, yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness and including their ancillary support services.

**RECREATIONAL LAND**: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, sports fields, camping, swimming, picnicking, hiking, and nature trails.

**RECREATIONAL VEHICLE**: Any structure or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels or tracks to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and/or recreational purposes including pick-up coaches (campers), travel trailers, motorized homes, motorized watercraft, all terrain vehicles, special terrain vehicles, snowmobiles and utility trailers.

**RECYCLING COLLECTION STATION**: An accessory use, structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials. A recycling collection point may also include a facility for the temporary collection of used clothing and household goods.

**RECYCLING FACILITY**: A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. The presence of power-driven processing equipment distinguishes a processing facility from a collection facility. The facility receives and processes only

residential and commercial recyclables.

**RELIGIOUS INSTITUTION:** A place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

**RESEARCH AND DEVELOPMENT FACILITIES:** An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

**RESIDENTIAL USE:** A use intended to provide one or more dwellings and may include allowed accessory uses and structures.

**RESIDENTIAL ZONING DISTRICT:** A zoning district primarily established for dwellings as a land use. Residential zoning districts shall include those zoned VR: Village Residential and FR: Flexible Residential.

**RESTAURANT:** An establishment in which the principal use is the preparation and sale of food and beverage. The food and beverage may be consumed on-site, carried out, or offered for delivery. Restaurants may include the sale of prepared food and beverages to other establishments for resale or consumption.

**RETAIL SALES ESTABLISHMENT:** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

- A. Department: Establishments that have separate departments for general lines of new merchandise, such as apparel, jewelry, home furnishings, and toys, with no one merchandise line predominating, or retail establishments exceeding 8,000 square feet. Department stores may sell perishable groceries, such as fresh fruits, vegetables, and dairy products, but such sales are insignificant. Department stores may have separate checkout areas in each department, central customer checkout areas, or both.
- B. Food And Beverage: Establishments that retail food and beverage merchandise from fixed point-of-sale locations and have special equipment (e.g., freezers, refrigerated display cases, refrigerators) for displaying food and beverage goods. They have staff trained in the processing and preparing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority. Includes grocery stores, specialty food stores, and beer, wine and liquor stores.
- C. General: Establishments primarily engaged in retailing new or used goods in general merchandise stores (except department stores, contractor establishments, and wholesale activities). These establishment retail a general line of new or used merchandise, such as apparel, automotive parts, dry goods, hardware, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.
- D. Products Produced On-site: Establishments that retail products other than food and beverage produced on-site. The products produced on-site may not be sold on-site exclusively, but may also be distributed to other locations for retail.



**RIGHT-OF-WAY:** The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

**ROAD:** See **STREET**

**ROOF-MOUNTED SOLAR INSTALLATIONS:** A private system installed as an accessory structure on the roof of a building that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

**ROWHOUSE:** A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

#### 14.21 "S" Terms

**SELF-STORAGE FACILITY:** A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate controlled facilities.

**SEMI-TRAILER:** A trailer, that may be enclosed or not enclosed. having wheels generally only at the rear, and supported in front by a truck tractor, towing vehicle, or dolly.

**SENIOR LIVING FACILITY:** Licensed personal care facilities, other than hotels, adult foster care homes, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to 21 or more individuals who are age 60 or older. Homes that are operated in conjunction with and as a distinct part of a licensed nursing home may serve 20 or fewer adults.

**SETBACK:** The horizontal distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a front, side or rear lot line or Setback Measurement Line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

**SEXUALLY ORIENTED BUSINESS:** A business or commercial enterprise engaging in any of the following, or other similar uses:

- A. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. Adult Bookstore Or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
  - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
  - 2. Instruments, devices, or paraphernalia that are designed for use in

connection with Specified Sexual Activities.

3. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.
- C. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
1. Persons who appear in a state of nudity;
  2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
  4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. Adult Motel: A hotel, motel or similar commercial establishment that:
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media 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 any of the above;
  2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational

institution funded, chartered, or recognized by the State of Michigan.

H. Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the PAs of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of PA 33 of 1978, being section 722.673 of the Michigan Compiled Laws.
  - a. Specified Anatomical Areas: Means and includes any of the following:
    - 1) Less than completely and opaquely covered:
      - i) Human genitals;
      - ii) Pubic region;
      - iii) Buttocks
      - iv) Female breast below a point immediately above the top of the areola.
    - 2) Human male genitals in a discernible turgid state even if completely or opaquely covered.
  - b. Specified Sexual Activities: Means and includes any of the following:
    - 1) Human genitals in a state of sexual arousal;
    - 2) Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
    - 3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
    - 4) Excretory functions as part of or in connection with any of the activities set forth in 1) - 3) above.

**SIGN**: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. See **Article 5** for definitions of individual sign types.

**SIGN, ABANDONED**: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of billboard signs, or at least 360 days in the case of all other signs.

**SMALL CELL WIRELESS FACILITY**: means a wireless facility that meets both of the

following requirements: Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet. All other wireless equipment associated with the facility is cumulatively not more than twenty five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

**SMALL DISTILLERY:** A licensed manufacturer of spirits annually manufacturing in this state not more than 60,000 gallons of spirits, of all brands combined.

**SMALL WINERY:** A licensed wine maker manufacturing or bottling not more than 50,000 gallons of wine in one calendar year. A small wine maker is not required to bottle wine it manufactures.

**SOLAR ENERGY FARMS:** A utility-scale commercial facility that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose is the wholesale or retail sale of generated energy off site.

**SPECIAL EVENT:** An occurrence or noteworthy happening of seasonal, civic, or religious importance, that is organized and sponsored by a non-profit community group, congregation, organization, club or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a defined short period (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**SPECIAL LAND USE:** Special land uses are uses, either public or private, that possess unique characteristics and therefore cannot be properly classified as a use permitted by right in a particular zoning district or districts. Special land uses include regulated land uses. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval, subject to the terms of this Ordinance.

**STACKED FLAT:** A series of dwelling units stacked vertically. Dwelling units may occupy more than one floor of the building, and more than one dwelling unit may occupy each floor.

**STORY:** That part of a building included between the surface of one floor and the surface of the next floor or the roof next above it. A story shall not include a basement, uninhabitable attic or mezzanine as defined herein.

**STREET:** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of streets are defined as follows:

- A. **Private Street:** Any street that is to be privately maintained and has not been accepted for maintenance by the Village of Mancelona, Antrim County, the State of Michigan, the federal government, or any other governmental unit, but that meets the requirements of this Ordinance or has been approved as a private road by the Village under any prior ordinance. A new private road must be a minimum of thirty (30) feet in

width.

- B. Public Street: Any street or portion of a road that has been dedicated to and accepted for maintenance by the Village of Mancelona, Antrim County, State of Michigan, the federal government or any other governmental unit.
- C. Arterial Street: A street that carries a high volume of traffic and serves as an avenue for circulation of traffic into, out of, or around the Village. An arterial road may also be a major thoroughfare.
- D. Collector Street: A street whose principal function is to carry traffic between local streets and arterial streets but may also provide direct access to abutting properties.
- E. Cul-De-Sac: A street that terminates in a vehicular turnaround.
- F. Major Thoroughfare: See Arterial Street
- G. Local Street: A street whose principal function is to provide access to abutting properties.

STREET HIERARCHY	
Highest Capacity / Most Intense	Arterial
↑ ↓	Collector
Lowest Capacity / Least Intense	Local

**STREET LOT LINE**: A dividing line between the street and a lot, also known as the right-of-way line or front property line.

**STRUCTURAL ADDITION**: Any alteration that changes the location of an exterior wall of a building or modifies the area of a building.

**STRUCTURE**: Anything constructed or erected, whether temporary or permanent, the use of which requires location on the ground or attachment to something having location on the ground and extending at least nine (9) inches above the ground surface. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, tents, greenhouses, sheds, antennae, swimming pools, and signs.

**SUBDIVISION PLAT**: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, PA 288 of 1967, as amended, and the Municipal land division regulations.

**SUPPORT LABORATORY**: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

**SYNAGOGUE:** See **RELIGIOUS INSTITUTION**

**SWIMMING POOL:** Any permanent, non-portable structure or container, located either partially or totally below grade, designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

## 14.22 "T" Terms

**TASTING ROOM:** Means any of the following:

- A. A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures.
- B. A location on or off the manufacturing premises of a wine maker or small wine maker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled.
- C. A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured.
- D. A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured.
- E. A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured.

**TAVERN:** see **BARS**

**TELECOMMUNICATION TOWERS:** Any structure designed and constructed primarily for the purpose of supporting one or more personal wireless service facility antennas, including but not limited to monopoles, guyed towers, and lattice towers.

**TEMPORARY USE OR BUILDING:** A use or zoning permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

**THEATER:** An outdoor area or building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

**THOROUGHFARE:** See **STREET**

**TOWNHOUSE:** see **ROWHOUSE**

**TRANSIT STATION:** A building, structure, or area designed and used for persons changing transportation modes or routes.

**TRANSPORTATION EQUIPMENT STORAGE:** A lot intended to store fleet vehicles, either inside or outside, when not in use.

## 14.23 "U" Terms

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

**USABLE FLOOR AREA:** See **FLOOR AREA, USABLE**.

**UTILITY POLE:** Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

**UTILITY TRAILER:** A small trailer that is not self-propelled that is designed to be pulled by an automobile, van, or pick-up truck.

#### 14.24 "V" Terms

**VARIANCE:** A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

**VEHICLE:** See **AUTOMOBILE**

**VETERINARY CLINIC:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

**VILLAGE COUNCIL:** The Village Council of the Village of Mancelona, Antrim County, Michigan.

**VILLAGE PLANNER:** The Village Planner is the person or firm designated by the Village Council and Planning Commission to advise the Village Council Planning Commission, and Village staff on planning, zoning, land use, housing, and other related planning and development issues. The Village Planner may be a consultant or an employee of the Village.

#### 14.25 "W" Terms

**WALL:** An upright structure, typically constructed of wood, masonry, or stone materials, that encloses, divides, or protects an area.

**WAREHOUSING AND DISTRIBUTION:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. May include frequent, heavy truck traffic, open storage of materials, or nuisances such as dust, noise and odors, and wholesale activities, but does not include on-site manufacturing.

**WETLAND:** A wetland as defined by Part 303: Wetland Protection Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

**WHOLESALE ACTIVITIES:** Activities primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

**WIRELESS COMMUNICATION EQUIPMENT:** The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

**WIRELESS SUPPORT STRUCTURE:** Means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

**WIRELESS TELECOMMUNICATION FACILITY:** All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but is not limited to: radio and television towers; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; television reception antennae; satellite dishes; and governmental facilities that are subject to state and federal law or regulations that preempt municipal regulatory authority.

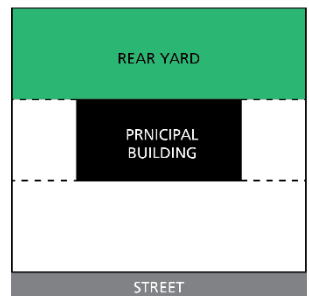
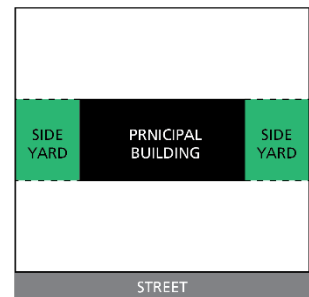
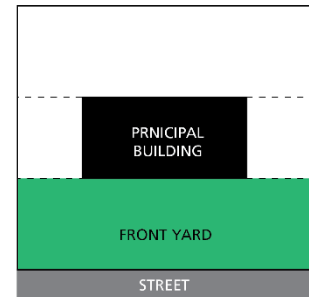
**WIRELESS TELECOMMUNICATION SUPPORT STRUCTURE - TOWER:** Any wireless telecommunication facility erected or modified to support attached wireless telecommunication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes, but is not limited to, any ground or roof-mounted pole, monopole, lattice tower, light pole, utility pole, wood pole, guyed wire tower, spire, other similar structure or combination thereof, or other structures that appear to be something other than a mere support structure.

14.26 "X" Terms

14.27 "Y" Terms

**YARD:** The open space on the same lot with a main building, unoccupied and unobstructed from the ground (grade) upward except as otherwise provided in this Ordinance, and as defined herein. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this Ordinance.

- A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Unless otherwise specified, each yard with street frontage shall be considered a yard.
- B. Side Yard: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the





side lot line to the nearest point of the principal building.

- C. Rear Yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but each lot shall only have one (1) rear yard.

#### 14.28 "Z" Terms

**ZONING ADMINISTRATOR:** The Village official(s) authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearings, and similar work.

**ZONING BOARD OF APPEALS:** The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to serve as the Zoning Board of Appeals for the Village of Mancelona.

**ZONING DISTRICT:** A portion of the incorporated area of the Village within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established under the provisions of this Ordinance.

**ZONING PERMIT:** A standard form issued by the Zoning Administrator, upon application and declaration by the owner or his duly authorized agent, granting approval for the construction or use for which an application was made.